

# Public Document Pack



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9 December 2015

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 17 December 2015 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-12)

To confirm the Minutes of the meeting of the Committee held on 19 November 2015.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 19 November 2015 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales (Minute Nos 60 to 68 only)

Councillors: B W Butcher  
J S Back  
S F Bannister  
T J Bartlett  
T A Bond  
D G Cronk  
B Gardner  
B J Glayzer  
D P Murphy

Officers: Head of Inward Investment  
Principal Planner  
Principal Planner  
Principal Heritage Officer  
Planning Officer  
Locum Planning Solicitor  
Democratic Support 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/15/00627	Mr Tim Waggott	Mr Graham Morris
DOV/15/00639 & DOV/15/00640	Mr Rod Springett	Ms Jackie Warrington
DOV/15/00327	-----	Mrs Donna Foster

60 APOLOGIES

It was noted that apologies for absence had been received from Councillors A F Richardson and P M Wallace.

61 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors B J Glayzer and D G Cronk had been appointed as substitutes for Councillors A F Richardson and P M Wallace respectively.

62 DECLARATIONS OF INTEREST

Councillor B Gardner made a Voluntary Announcement of Other Interests in respect of Application Nos DOV/15/00639 and DOV/15/00640 (Old School and Curfew House, Kingsdown Road, St Margaret's-at-Cliffe) by reason that, in his former capacity of mayor of Deal Town Council, he had been acquainted with one of the objectors who had been the clerk to Walmer Parish Council.

63 MINUTES

In respect of Minute No 54, Councillor B Gardner requested an amendment to reflect the fact that he had asked for his vote against the motion to be recorded due to his opposition to the affordable housing valuation procedures set out in the Council's Affordable Housing Supplementary Planning Document, and not because he disapproved of the application per se.

Subject to the above amendment, the minutes of the meeting held on 22 October 2015 were approved as a correct record and signed by the Chairman.

64 ITEMS DEFERRED

The Chairman advised that Application Nos DOV/15/00639 and DOV/15/00640 (Old School House and Curfew House, Kingsdown Road, St Margaret's-at-Cliffe) were dealt with elsewhere on the agenda. Application No DOV/15/00444 (Aylesham Village Expansion) remained deferred as there was no further information available.

65 APPLICATION NO DOV/15/00627 - PRINCE OF WALES PIER, WESTERN DOCKS, DOVER

The Committee viewed photographs, plans and drawings of the site which was the subject of the application. The Principal Heritage Officer advised that the application sought listed building consent for the removal of all furniture (including historic and more modern items) from the Prince of Wales Pier and the lowering of the north-western side of the landward end by the partial removal of the sheet steel pile structure. Since the report was written, a response had been received from Dover Town Council which indicated that they now had a neutral position on the application. A communication had also been received from the applicant's agents seeking clarification on procedures and conditions.

The principal consideration when assessing the application against paragraph 134 of the National Planning Policy Framework (NPPF) was whether the public benefits of the wider Western Docks development scheme outweighed the less than substantial harm that would be caused to the heritage asset. With suitable conditions and mitigation measures, Officers considered that the public benefits would outweigh any harm caused to the significance of the listed structure.

The Head of Inward Investment set out the background to the Western Docks development project in order for Members to consider the application in context.

The Council's Core Strategy, adopted in 2010, recognised the opportunities associated with the expansion of port facilities at the Western Docks, incorporating a range of criteria in Policy CP8 against which proposals at Dover Waterfront should be judged. This expansion had two components: operational land at Terminal 2 and non-operational land known as Dover Waterfront. Consent for the expansion of the docks had been sought by Dover Harbour Board (DHB) and granted by means of a Harbour Revision Order – the maritime equivalent of planning consent. When approving the Order, the Secretary of State had recognised the need to balance economic, social and environmental considerations, including the need for listed building consent for works to the pier. Importantly, she had indicated that she saw no adverse impacts of these works in relation to a range of matters including archaeology and heritage.

Revival of the Western Docks would create at least 600 new jobs (not tied to the construction project) and safeguard another 140. Including jobs generated by the

Dover Waterfront and St James's schemes, but excluding construction, it was predicted that a total of 1,800 to 2,000 jobs would be created by the regeneration of the town centre. Funding for the project would come from a number of sources, including the European Commission and the South East Local Enterprise Partnership. DHB had publicised the expansion through a leaflet which had been distributed to 60,000 households, together with the opening of a marketing suite at Dover seafront. In support of expansion, works to the A20 were due to commence in early 2016, with the wider development due for completion in phases by 2020. Further planning and listed building consent applications would be coming forward, with a number of minor changes likely to be made to the scheme as a result of evolving design processes.

The Waterfront element, along with Whitfield, Connaught Barracks and mid-town, was one of four strategic regeneration allocations and, alongside the Dover Town Centre/St James's scheme, was recognised beyond the District as a strategic offer in east Kent. To progress this component of the development, a joint venture partner – Bride Hall Real Estate - had been appointed and proposals – including connectivity to the town centre – were being progressed. Planning applications would be submitted in due course.

Councillors B Gardner and T A Bond expressed concerns regarding the lack of a timetable and certainty over when and where furniture would be reinstated. In their view a time limit, e.g. 2021, should be imposed for the reinstatement of the furniture. Deferral of the application for further information was suggested by Councillor Bond. The Chairman suggested that all options for the reinstatement of the furniture were under consideration and it could be another two to three years before these were fully explored and settled upon. Councillor B W Butcher commented that, whilst he sympathised with Members' concerns, it was unreasonable to expect a developer to be able to pinpoint specific dates for the completion of such significant works.

The Chairman confirmed that issues surrounding access should be explored by the Committee, not only to assess the scheme's potential harm but also because it was a matter of particular concern to local residents. The Head of Inward Investment referred to the DHB leaflet which indicated that there would be an increase in public access of about 200 metres, with designated areas for fishing. The DHB was preparing a masterplan which would set out a number of milestones for progression of the development, including the Marina Curve which was scheduled for completion by 2017.

The Principal Planner advised that conditions (i) to (iii) of the report had been drawn up in consultation with Heritage England and the Victorian Society, the latter having withdrawn a previous objection as a result of these conditions. The Victorian Society was now satisfied that the conditions would safeguard the historic artefacts. In particular, condition (iii) required the submission of a timetable within 12 months of commencement of works with details of the proposed relocation of the furniture, including a schedule of works for their repair/refurbishment. It was premature to be asking at this stage for the fine grain detail of the scheme. The condition gave certainty that the furniture would be reinstated, but flexibility was needed as to when this would be. In addition, condition (iv) sought to confirm the timetable and phasing of works within the context of the HRO to ensure that any harm caused to the heritage assets was offset by the wider benefits of the Western Docks revival. With this reassurance, Councillor Bannister indicated that he was willing to move the report recommendations without amendment. The Head of Inward Investment added that deferral of the application could complicate the phasing of works to the A20 which would be unable to commence in early 2016 as a result.

RESOLVED: (a) That, subject to no representations being received (post the Planning Committee meeting and prior to the closure of the current advertisement period) raising new material planning considerations, Listed Building Consent for Application No DOV/15/00627 be GRANTED, subject to the following conditions:

- (i) Prior to the commencement of works, a written schedule detailing the proposed methodology for the removal of the furniture shall be submitted to and agreed in writing by the Local Planning Authority and the works thereafter shall be carried out in accordance with the approved details.

Reason: These details are required prior to commencement to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

- (ii) Within 3 months of the removal of the furniture, as shown on plans nos. SKT-032A rev 01 and SKT-032B rev 01, an inventory, to include a photographic record, detailing the age, condition and details of the manner of protection of each and every item during storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details of protection shall be maintained for the full period that the items are in storage prior to their relocation.

Reason: These details are required prior to commencement to ensure special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

- (iii) Within 12 months of the commencement of the works, details of the proposed relocation of the removed furniture, to include a schedule of works for the repair and refurbishment of the furniture, address and plan indicating the proposed position and a timetable detailing the commencement and completion of the relocation of each and every item of furniture, shall be submitted to and agreed in writing by the Local Planning Authority. The works thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: These details are required prior to commencement to ensure special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed

Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

- (iv) Prior to the commencement of the works hereby approved, a phasing schedule shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a timetable detailing when the works are proposed to be undertaken and shall outline their phasing within the context of the works approved as part of the Dover Harbour Revision Order 2012 (HRO). The works hereby approved shall only be carried out in accordance with the approved phasing schedule and timetable and as part of the implementation of the HRO.

Reason: To ensure that the public benefits proposed as part of the HRO, and which are material to the grant of consent, are delivered, and that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

- (b) In the event that any further representations are received post the consideration of the application by the Planning Committee, raising new material planning considerations, powers be delegated to the Head of Regeneration and Development to determine the application in consultation with the Chairman and Vice-Chairman of the Planning Committee.
- (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.

66 APPLICATION NO DOV/15/00596 - LAND BETWEEN THE CHALET AND MILNERS, CLAREMONT ROAD, KINGSDOWN

Members were shown photographs and a location plan of the application site. The Planning Officer advised the Committee that the application sought outline planning permission for the erection of a detached dwelling, with all matters reserved. Whilst no details had been submitted, the application indicated that the dwelling would be a two-storey, four-bedroom property. The principle of the development was acceptable in policy terms. As an amendment to the report, it was proposed to replace condition 15 with an informative.

Councillor Bond expressed concerns about the width of the application site and potential overlooking. He proposed that the wording of the informative should be amended to ensure that a two-storey dwelling could not be built. The Chairman suggested that this would be open to challenge as it could be considered unreasonable to assume that it was impossible to build a two-storey dwelling on the site that avoided overlooking. In response to Members' concerns, the Principal Planner confirmed that the grant of planning permission did not confer approval for a two-storey, four-bedroom property.

- RESOLVED: (a) That Outline Planning Permission for Application No DOV/15/00596 be APPROVED subject to the following conditions:
- (i) Approval of Reserved Matters;
  - (ii) Time limit for submission of Reserved Matters;
  - (iii) Time limit for commencement of development following approval of Reserved Matters;
  - (iv) Approved plans;
  - (v) 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; provision and maintenance of visibility splays to be shown on submitted plans prior to first occupation; details for construction vehicle parking;
  - (vi) Sample of materials;
  - (vii) Soft and hard landscaping details;
  - (viii) Tree/shrub replacement;
  - (ix) Landscape management plan;
  - (x) Details of boundary treatments;
  - (xi) Details of disposal of foul and surface water;
  - (xii) Existing and proposed sections through the site, to include details of existing and proposed ground levels and finished floor levels and thresholds;
  - (xiii) Translocation strategy for slow-worms;
  - (xiv) Street scene elevation showing proposed development;
- (b) Informative: For the avoidance of doubt, the permission hereby given relates to a single dwelling only and does not confer approval for a two-storey, four-bedroom property referred to in the application submission, the acceptability of which or otherwise would need to be assessed as part of any Reserved Matters submission.
- (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.

The Committee viewed photographs and plans of the application site which had been the subject of a site visit conducted on 17 November. The Principal Planner reminded Members that this had followed its deferral at the Planning Committee meeting held on 22 October in order to assess the development's impact on neighbouring properties, the Conservation Area and parking and road access, and for further clarification on Use Class C3 and the planning history of the site.

Details of the site's full planning history had been circulated during the site visit, during which three applications had been raised by Members and objectors as being of merit, in particular whether they provided evidence of lawful parking on the site. The file for application no. 98/851 – which had sought permission for the change of use to a school - had unfortunately been lost. However, the decision notice was available and this included a condition which required that space was made available for the parking of vehicles. Application no. 99/1252 had sought permission for the siting of a mobile classroom. This application made no reference to car parking although the site plan for the scheme designated the area to the rear of the Old School as a playground. Application no. 12/445 had also sought permission for the siting of a portable building to the rear of the Old School. Whilst this application had been refused, the application form confirmed that the existing site provided car parking for twelve cars, the accompanying site plan confirming that this was provided to the rear of the Old School.

With regard to the definition of Use Class C3, found within the Town and Country Planning (Use Classes) Order 1987, the use included 'use by not more than six residents living together as a single household where care is provided for residents'. Officers considered that the development shown in the application fell within this definition.

It was clarified that the garage would be demolished to make way for two tandem parking spaces. It was considered that the principle of the development was acceptable, with no harm caused to the character of the area. The Old School and the new dwelling would be set away from neighbouring properties, whilst the extension to Curfew House would be set down and away from the boundary of Cherry Bank. As such, it was considered that there would be no unacceptable loss of amenity. Furthermore, the development would provide 8 car parking spaces which, when considered against the existing lawful use of the site, would not cause unacceptable harm to the local highway network. For these reasons it was recommended that planning permission should be granted.

Councillor Gardner reported on the site visit. Members had viewed the site from different vantage points and had visited the back garden of Cherry Bank. The consensus of the site visit panel was that the impact of the proposed development on neighbouring properties and the Conservation Area was acceptable. However, it had concluded that there was insufficient car parking for Curfew House and, on this ground, it recommended that the application should be refused. Councillor Gardner clarified that his view differed from fellow panel members in that he also had concerns about the impact of construction traffic, and the impact of the Curfew House extension on Cherry Bank. He proposed that the application should be refused on all these grounds.

The Chairman advised that the management of construction traffic could be easily conditioned. Councillor Bannister disagreed about the potential impact on Cherry



Bank, arguing that the extension would be 3.2 metres back from the boundary with Cherry Bank and a person of average height would therefore see only a sliver of the building. Overall, its impact was likely to be minimal. However, the provision of two parking spaces was inadequate given that staff cars and deliveries could quickly fill these up. The Principal Planner reminded Members that the site currently had permission for use as a school (Use Class D1) which would arguably generate more traffic. The applicant could change the use of the site to any category within Use Class D1 without planning permission.

Councillor Bond stated that he had no significant concerns in relation to construction traffic and the impact on neighbouring properties. And, whilst he accepted that parking was under pressure, the photographs shown at the meeting indicated that on-street parking spaces were available. This, together with the fact that the residents of Curfew House would not be driving, led him to believe that, on balance, parking provision was acceptable. The Chairman added that it was as well to remember that Curfew House could be used as a family home. Having listened to Members' views, Councillor Gardner agreed that the application should be refused solely on the ground of inadequate car parking.

In response to queries, the Principal Planner clarified that the listed building consent application for Old School House should not be granted if Members were minded to refuse full planning permission. This was because the public benefits of granting full permission would not be realised. This was in accordance with the NPPF which required that regard must be had to whether development would cause harm to a heritage asset and, if harm was identified, whether there was sufficient weight in favour of the development – or public benefits – that outweighed the harm.

- RESOLVED:
- (a) That, notwithstanding the Officer's recommendation, Application No DOV/15/00639 be REFUSED on the ground that there is insufficient car parking for Curfew House.
  - (b) That, notwithstanding the Officer's recommendation, Listed Building Consent for Application No DOV/15/00640 be REFUSED on the grounds that the development would cause less than substantial harm to a heritage asset which, given the refusal of Application No DOV/15/00639, would not be outweighed by public benefits.
  - (c) That the precise wording of the grounds of refusal for Application Nos. DOV/15/00639 and DOV/15/00640 be delegated to Officers.

68 APPLICATION NO DOV/15/00327 - 43 DOLA AVENUE, DEAL

The Committee was shown photographs, plans and drawings of the application site. The Principal Planner advised that the proposal was for the erection of nine two-bedroom dwellings, together with associated parking and access. Since the report was written, three further letters of objection had been received raising concerns about the provision of a pedestrian link to Foster Way and the future provision of a vehicular access onto Foster Way in the event that permission was granted. A revised drawing had also been submitted which indicated that there would now be no pedestrian access to Foster Way. This would be achieved by incorporating the land into the garden of unit 9 and providing a 1.8-metre close boarded fence to delineate the garden area and provide a barrier.

The Committee was advised that the site lay within the settlement confines and the principle of the development was considered acceptable. The proposal would continue the loosely linear pattern of existing development within the area. The detailed design proposals were in keeping with the character of existing properties, whilst forming its own identity. The scheme was considered a high quality development which would reinforce the character and appearance of the area. The dwellings would generally be well separated from neighbouring properties. With measures proposed to mitigate overlooking, it was considered that the living conditions of neighbours would not be harmed unacceptably.

The impact on the local highway network had been a key concern of neighbours, in particular the potential to increase parking in Foster Way. The applicant had consequently revised the scheme to omit all access to Foster Way with only a single pedestrian access to Dola Avenue. The level of proposed car parking exceeded the minimum level of parking expected by the Council's Core Strategy, whilst a turning head would be provided which would enable vehicles to enter and exit the site in forward gear. For these reasons it was considered that the development would cause no harm to the highway network.

The applicant would make a contribution of £89,977.50 towards the provision of off-site affordable housing and a contribution of £5,690 towards the provision of tennis and netball courts. On the issue of drainage, testing had been carried out at the request of the Kent County Council (KCC) Flood Team which had indicated that there was adequate drainage of water from roofs and hardstandings. However, the testing had been carried out inaccurately, and KCC had therefore requested that further details be provided by condition.

In response to matters raised by public speakers, the Principal Planner considered that the roots of a sycamore tree would not significantly affect a building 7 metres away, and agreed to ensure that the Construction Management Plan, which would be conditioned, would prevent construction deliveries being made via Foster Way. It was confirmed that, in line with condition (xii) of the report, revised plans for the provision of a wall would be sought. In respect of condition (viii), it was proposed that a raised table would be provided at the public right of way (PROW), which ran alongside the site, to slow down vehicles entering and exiting the site. Councillor D G Cronk requested that raised tables be placed on both sides of the PROW.

Councillor Bond questioned why the development proposed the use of soakaways rather than being connected to the surface water drainage system. There had recently been flooding near the site and he had serious concerns that drainage from the development would exacerbate existing problems. Councillor Gardner agreed that further information on drainage was needed. He also wanted to see the brick wall with the boundary to Foster Way built before the commencement of construction to ensure that construction traffic was excluded. He was also of the view that raised tables should be placed on both sides of the PROW. The Chairman commented that it would be unreasonable to expect the developer to construct the wall before building work started. However, he suggested that hoardings could be erected and the wall built during the early phase of construction. Councillor Bannister added that this issue could be managed by Building Control.

The Principal Planner advised that KCC Highways and Transportation and the PROW Officer had considered the scheme and were satisfied that one table would reduce the speed of cars entering and exiting the site. In response to Councillor Bannister, it was clarified that the visibility splays would be 3 metres by 2 metres deep, and condition (ix) would ensure that they and vegetation were maintained.

The Principal Planner referred Members to paragraph 2.31 of the report, and clarified that soakaways would be installed underneath visitor spaces and at the entrance to the development. KCC had stated that if further testing indicated that additional drainage areas were required, these could be accommodated on site. Generally speaking, Southern Water and KCC preferred water to be managed on site rather than going off site where it would place more pressure on main drainage systems and potentially lead to flooding problems elsewhere. Several Members supported the use of soakaways which were widely used and generally effective. The Chairman stressed that Members were not experts and should trust Officers and KCC to identify a suitable drainage scheme.

It was proposed by Councillor Bannister and duly seconded that the application should be approved as per the report recommendation. He subsequently amended his motion to add a condition relating to the wall.

Councillor Bond suggested that further amendments be made to the motion, including that the scheme's drainage should be connected to the main drainage system. On advice from the Legal and Democratic Support Officers, the Chairman advised that such amendments would displace the original motion. He advised Members to refuse the application rather than approve it with a drainage condition which clearly went against expert advice and Government policy.

On being put to the vote, Councillor Bannister's motion was LOST.

The Principal Planner emphasised that it was Government policy that water should not go into the main drainage system but be dealt with by the use of Sustainable Drainage Systems (SUDs). The expert view of this scheme was that a SUDS was appropriate. He strongly recommended that water from the scheme should not be disposed of into the main drains in this instance. The Chairman added that Government guidance was clear on this matter and it would be irresponsible to approve a scheme which went against that.

RESOLVED: That Application No DOV/15/00327 be DEFERRED pending further details of surface water disposal including maintenance.

(At the conclusion of this item, the Chairman left the Chamber and the Vice-Chairman assumed the chairmanship for the remainder of the meeting.)

69 FEES AND CHARGES 2016/17

The Principal Planner introduced the report which outlined the fees and charges applicable to Planning services. Councillor Bond stated that he was unhappy with the 38% increase in pre-application advice fees which he considered unreasonable. The Principal Planner advised that the increase anticipated the introduction of a new and improved pre-application advice scheme. Councillor Bannister commented that the Council's pre-application service required improvement and, if done well, was very valuable.

RESOLVED: That the report be noted.

70 APPEALS AND INFORMAL HEARINGS

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

71 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 9.02 pm.