

# Public Document Pack



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15 March 2016

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 17 March 2016 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-14)

To confirm the Minutes of the meeting of the Committee held on 25 February 2016.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over the printed name "Chief Executive".

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 25 February 2016 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher  
J S Back  
S F Bannister  
T A Bond  
B Gardner  
N S Kenton  
K E Morris  
D P Murphy  
A F Richardson  
P M Wallace (Minute Nos 105 to 114 only)

Officers: Head of Regeneration and Development  
Principal Planner  
Principal Planner  
Planning Consultant  
Planning Consultant  
Senior Planner  
Planning Delivery Manager  
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/14/00059	Mr Clive Tidmarsh	Mrs Helen Williams
DOV/15/00624 & DOV/15/00625	Mr Tim Flisher	Mr Matthew Titterton Councillor S S Chandler
DOV/15/01273 & DOV/15/01274	Mr Kevin Charles	Mrs Sue Nicholas
DOV/15/00198	-----	Mr Clive Tidmarsh
DOV/15/00533	Mr Mike Simmonds	Mr John Heyworth
DOV/15/00730	Mr David Chmura	Ms Karen Rice
DOV/15/00982	Mr John Peall	-----

99 APOLOGIES

It was noted that Councillors T J Bartlett and F J W Scales had sent apologies for absence.

100 APPOINTMENT OF SUBSTITUTE MEMBERS

In accordance with Council Procedure Rule 12.4, it was noted that Councillors K Morris and N S Kenton had been appointed as substitute members for Councillors T J Bartlett and F J W Scales respectively.

101 DECLARATIONS OF INTEREST

Councillor A F Richardson declared an Other Significant Interest in respect of agenda item 8 (Application Nos DOV/15/01273 and DOV/15/01274 – Kearsney Abbey, Alkham Road, River) by reason of his employment with the Canterbury Archaeological Trust which had undertaken a preliminary archaeological survey of the site and could potentially be involved in carrying out further archaeological works.

102 MINUTES

Councillor B Gardner requested an amendment to the minutes of the meeting held on 21 January 2016. With the agreement of the Democratic Support Officer, he advised that he would like to add to Minute No 87 that the Chairman had stated that lessons would be learned, and that the withdrawal of the item due to the late submission of a large volume of information did not set a precedent for the future.

Subject to this amendment, the minutes of the meeting held on 21 January 2016 were approved as a correct record and signed by the Chairman.

103 ITEMS DEFERRED

The Chairman advised that Application No DOV/15/00533 was dealt with elsewhere on the agenda. Further information was not yet available in relation to Application No DOV/15/00952 (Aylesham Village Expansion) and this application therefore remained deferred.

104 APPLICATION NO DOV/14/00059 - FORMER CAR PARK SITE, ADJACENT TO THE MANOR HOUSE, UPPER STREET, KINGSDOWN

The Committee viewed plans and photographs of the application site. The Planning Consultant advised the Committee that the application sought planning permission for the erection of four detached dwellings on a site designated for development under policy LA 38 of the Council's Land Allocations Local Plan (LALP). The principle of development on the site was therefore acceptable. However, the proposal would also need to be acceptable in terms of its impact on the Conservation Area (CA), highways and residential amenity. In order to lessen the impact on the CA, revisions had been sought to reduce the number of dwellings from six to four and to improve the design of the dwellings to better reflect the character of surrounding buildings, for example, by the use of varying materials and architectural styles.

Since the report was written, two further representations had been received from people who had already submitted comments. These related to the site being used for community use and the lack of parking and bus services. The Parish Council had also submitted a further copy of comments it had made in 2015. The Council's Tree Officer had also confirmed that he had no objection to the removal of trees provided replacements were provided.

The proposal would lead to the loss of three trees: one sycamore beside the village hall and another two within the site. However, soft landscaping and planting would be secured by condition, and the proposed replacement planting would introduce more greenery to the site overall. In respect of residential amenity, it was considered that the proposed dwellings were sufficiently distant from each other and adjoining properties to provide privacy for existing residents and the occupiers of the new dwellings. Following comments from Kent County Council (KCC) Highways, a number of revisions had been made to the scheme in relation to turning space and emergency vehicles. Ringwold with Kingsdown Parish Council and others had made representations concerning the absence of disabled access to the village hall. However, whilst the application included the provision of access to the side of the village hall, there was no planning policy which required the applicant to do this.

Councillor Gardner objected to the proposal since it was not as foreseen in the LALP which estimated the site as being suitable for seven houses. Councillor Richardson stated that,

whilst it would have been preferable for the site to be retained as open space, that was unlikely to happen given that it had been allocated in the LALP for residential development. Members had no choice but to accept that. A range of housing was needed in the District and the proposal would meet the need for housing at the higher end of the spectrum. Although there was concern about village hall access, it should be recognised that the applicant had made efforts to accommodate this. Councillor N S Kenton agreed that the loss of open space was regrettable but now academic. The reduction in housing was an improvement in terms of traffic, and the proposed scheme was likely to enhance the street scene. He reminded Members that they could not impose a condition requiring disabled access since it was not one that was necessary in order to make the application acceptable in planning terms.

RESOLVED: (a) That Application No DOV/14/00059 be APPROVED subject to the following conditions:

- (i) Timescale for commencement of development;
- (ii) List of approved plans;
- (iii) Samples of materials to be used;
- (iv) Details of hard and soft landscaping, including planting schedule (including details of size) and programme;
- (v) Provision and retention of parking and access;
- (vi) Provision and retention of cycle parking;
- (vii) Details of surface water drainage;
- (viii) Driveway to be constructed of bound material;
- (ix) No further windows in side elevations or roof slopes;
- (x) Removal of permitted development rights for permanent or temporary additional buildings within the curtilage of the dwellings;
- (xi) Restriction in hours of construction;
- (xii) Construction management plan;
- (xiii) Protection of retained trees during construction;
- (xiv) Details of refuse;
- (xv) Village hall access to be provided prior to occupation;
- (xvi) Details of the eaves;
- (xvii) Details of window joinery.

(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 Committee.

105 APPLICATION NOS DOV/15/00624 AND DOV/15/00625 - THE CHEQUER INN, CHEQUER LANE, ASH

Members viewed plans and photographs of the site. The Planning Consultant advised the Committee that the first application sought planning permission for the change of use and conversion of a building formerly used as a public house into a single dwelling, and the erection of a garage. The conversion works included the demolition of a lean-to walkway, the installation of a dormer extension and roof-lights to the rear elevation, external alterations and works of replacement, along with the erection of a single garage to the rear. The listed building application was for external and internal works to facilitate the change of use to a dwelling.

There had been a significant level of public interest in the proposals. A summary of the submissions made and an assessment of the pertinent elements of these were set out in the report. Since the report was written, further letters of objection had been received raising no new issues. As corrections to the report, Members were advised that the Parish Council's comments shown in section e) of the report should have appeared under the Planning Application heading. In addition, under conditions on page 59 of the report, Listed Building condition iv) should read 'no cutting through rafters to facilitate the proposed rooflights'.

The principal issues surrounding the proposals were set out on page 48 of the report. These were the principle of the change of use from a public house to a dwelling house; the impact of the proposals on the designated heritage assets, design, street scene and residential amenity; and a number of other matters raised which required consideration.

The starting point for the determination of the application was development plan policy, in particular Core Strategy Policies DM24 and the overarching CP1. The National Planning Policy Framework (NPPF) was a material planning consideration, and there were others for the Committee to determine and take into account as part of its decision. The Committee also had a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historical interest that it possessed. The duty also required Members to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Members were reminded that, in carrying out their balancing exercise of assessing harm to the designated heritage asset, they should attach considerable importance and weight to the desirability of preservation.

In conclusion, and weighing all matters in the balance, Officers recommended that planning permission and listed building consent should be granted.

The Chairman stated that, having grown up in Ash, he remembered the Chequer Inn being at the centre of village life at that time. It was for the Committee to decide whether the building could become a pub once more. In response to Councillor T A Bond, the Planning Consultant advised that the building had last been used as a pub in 2013/14. Councillor Bond agreed that it was for Members to consider under the NPPF whether the building could become a pub again. For the time being, he was undecided on the matter. It was clarified that only the upper floor of the building retained significant medieval features. Councillor S F Bannister raised concerns about marketing and what evidence had been available to potential purchasers. He stressed that the other remaining pub in the village was not a rival to the Chequer Inn but rather complementary to it. The Planning Consultant advised that the pub had been marketed through Fleurets for a period of three years from 2011. He understood that details had been sent to thousands of contacts but a limited response had been received. No further details of the marketing undertaken were available.

Councillor K E Morris thanked the public speakers who had answered many questions. He referred to the NPPF and its focus on sustainable development and building 'strong, vibrant and healthy communities'. As a ward Councillor his role was to improve and develop community cohesion. There were clear benefits to the community if the Chequer Inn were to continue as a public house. It would build a stronger local economy and make Ash a better place to live. It should also be recognised that the building had been listed as an Asset of Community Value by the Council which proved that the building was valued by local people. Councillor Morris stated that he felt very strongly that the building was an asset to Ash and

therefore an asset to the district. For these reasons, he was of the opinion that the applications should be refused.

Councillor Richardson expressed sympathy for the applicant who had bought the building in good faith. He was of the opinion that the conversion of the building into a house would not compromise the heritage value of the building. However, it was clear that the building was highly valued by the local community. Moreover, there were doubts that it had been vigorously marketed as a pub during the period it was up for sale. Whilst the building had lain empty since 2013, this was a mere blip in the long history of the building which had been a pub for hundreds of years. Once converted, it would never be a pub again. The residents of Ash deserved another chance.

Councillor Bond stated that he had some knowledge of pubs and breweries, and was not convinced that the pub had been marketed properly. The lack of interest could be explained by the fact that 2011 had not been a good time to buy a pub business. The pub had been a community asset for 300 years and he supported refusal of the application.

Councillor Gardner stated that, whilst he had reservations about the building's future given that it was now in private ownership, it was evident that there was overwhelming community support for the building to remain as a pub. Councillor Kenton commented that some pubs were simply not viable. It had to be said that villagers had mobilised their campaign to save the pub very late in the day. However, this was understandable given that they had probably assumed that somebody else would buy the pub as a going concern. There were flaws in the argument for changing the use of the pub and he too therefore supported refusal.

The Principal Planner advised that if Members were minded to refuse the application, they should consider Policy DM24 which set out that permission should only be granted if the loss of the pub would not harm the economic and social viability of the community that it served or, if such harm would occur, it had been demonstrated that the use was no longer commercially viable and genuine and adequate attempts to market the premises as a pub had failed. The latter part of the policy relating to marketing was relevant in this case, and one option was for Members to defer the application to enable further investigation. Councillors Bond and Morris commented that there was nothing to be gained by deferring the application.

The Head of Regeneration and Development advised the Committee that it had a choice as to whether to refuse the application under DM24 or to rely solely on the NPPF. It was clear from the report that the loss of the pub would not harm the economic and social viability of the community. The NPPF was a more recent document which talked about the loss of local facilities and reducing the opportunities for people to meet. He recommended that the grounds for refusal should be based on the latter, referring to paragraphs 69 and 70. He went on to advise that, should planning permission be refused, it would be appropriate to refuse listed building consent since the re-use of the building (allowed under planning permission) would have overcome the small amount of harm caused to the heritage asset. If listed building consent was granted, there would be a small element of harm with no benefit.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/15/00624 be REFUSED on the grounds that the proposed change of use would represent the unnecessary loss of a valued facility which would reduce the ability of Ash residents to meet their daily needs contrary to paragraph 70 of the National Planning Policy Framework, and would reduce opportunities for meetings between members of the community contrary to paragraph 69 of the National Planning Policy Framework.

(b) That, notwithstanding the Officer's recommendation, Listed Building Consent for Application No DOV/15/00625 be REFUSED on the ground that the proposed dormer window, by virtue of its position and size, would be likely to result in the unacceptable loss of historic fabric and interrupt the rear roofslope, consequently having a detrimental impact on the

historic and architectural character and appearance of the listed building for which no overriding justification has been presented and, as such, would be contrary to Government Guidance.

106 APPLICATION NOS DOV/15/01273 AND DOV/15/01274 - KEARSNEY ABBEY, ALKHAM ROAD, RIVER

The Committee was shown plans and photographs of the site which was a Grade II-listed park. The Principal Planner advised that the application had been submitted by Dover District Council as part of the Kearsney Parks project, the purpose of which was to restore and improve facilities whilst safeguarding the historic nature of the park. The proposal was to extend the existing café building to provide a café and visitor facilities, and to reconfigure the parking layout to provide 118 spaces to the west of the site.

The project had been subject to extensive public consultation, events having been held in April, July and October 2015. Feedback received during consultation had informed the applications. A number of objections had been made, principally relating to the design of the extension and the pedestrian bridge over the weir. Two further representations had been received since the report was written. The Kent Gardens Trust had submitted objections to the design of the bridge but had no other concerns. A letter had also been received from a third party who was neither in favour of, nor against, the proposals. The respondent raised concerns about the café extension and bridge, but welcomed the increased parking.

The extension was a simple design which would not compete with the principal building. Members were asked to note that only one adverse comment had been received regarding its design during the public consultation events. Furthermore, the Council's Conservation Officer was fully in support of the proposed design. The proposals would also lead to enhancements of the curtilage of the building and to the public realm. Original plans for the bridge had been simplified and the tubular bronze frame removed.

The extension to the car park – to create 60 additional spaces – would lead to the loss of ten trees. A further five trees would be lost near the café and one near the bridge. In response to concerns raised by the Council's Tree Officer, it was proposed to include a condition and informative to ensure that replacement trees were appropriate in terms of species and quality. The early issue of planning permission was sought in order to secure lottery funding. Officers had considered the potential for harm to designated heritage assets and their setting, but had concluded that the benefits would outweigh any harm caused.

Councillor Gardner spoke against the proposed design of the café extension. Whilst some parts of the proposal were good, others were not and, overall, he was unable to support the application. He also raised concerns regarding the late submission of the application to the Committee. Councillor Bannister disagreed stating that, whilst the extension was not exciting, it was not cheap and nasty as had been described by others. He added that it was important to ensure that replacement trees were resilient, maintained and an enhancement to the park. Councillor Morris supported the design of the café extension, arguing that it had been developed by consultants with an impressive portfolio. Only one objection to the design had been received during consultation, and there was huge public support for the proposals. Councillor Kenton also supported this view, stating that the proposals would be hugely beneficial to Dover and the district. Although the proposed extension was not to everyone's liking, it corresponded to modern-day thinking that such extensions should not try to replicate the host building.

RESOLVED: (a) That Application No DOV/15/01273 be APPROVED subject to the following conditions:

- (i) Timescale of commencement of development;
- (ii) A list of the approved plans;
- (iii) External materials to be submitted;

- (iv) Scheme for hard and soft landscaping scheme including written specifications, schedules of trees, plants, species, sizes and densities/siting;
- (v) Laying out and permanent retention of parking spaces and cycle parking spaces shown on the approved plans;
- (vi) Construction management plan (which will include Tree Protection Measures and supervision details) during construction phase;
- (vii) Travel Plan shall be submitted and approved;
- (viii) Details of the size, appearance, materials and finish of the new railings;
- (ix) Biosecurity;
- (x) Development to be carried out in accordance with the Bat Survey Report – Provision of bat worker on site during construction;
- (xi) Provision of bat boxes;
- (xii) External lighting details;
- (xiii) Programme of archaeological work;
- (xiv) Implementation of building recording.

Informative: The applicant be advised that prior to the submission of the soft landscaping scheme required by the planning permission, discussions should be held with Officers to address the concerns set out in the report to Planning Committee by the High Hedges and Tree Officer, in order to ensure that replacement planting, forming part of the soft landscaping scheme, is of a sufficiently high quality for the public park.

(b) That Listed Building Consent for Application No DOV/15/01274 be GRANTED subject to the following conditions:

- (i) Timescale of commencement of development;
- (ii) A list of the approved plans;
- (iii) Flexible joint between the existing building and new development;
- (iv) Joinery;
- (v) Eaves detail;
- (vi) Sample panel of the repointing of the boundary wall;
- (vii) Details of proposed new render to billiards room;



(viii) Sections and elevations to show the detail of the re-opening of the blocked doorways.

(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.

107 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.21pm for a short break and reconvened at 8.27pm.

108 APPLICATION NO DOV/15/00198 - LAND TO THE REAR OF 20 ARCHERS COURT ROAD, WHITFIELD

The Committee viewed plans and photographs of the application site. The Senior Planner advised that the application sought planning permission for the erection of a single dwelling in part of the former rear garden of 20 Archers Court Road. It was proposed to demolish the garage situated between nos 20 and 22 in order to create an access road. This road would lead to four car parking spaces: two for the existing dwelling and two for the proposed dwelling. The new access would have 2 x 2 metre pedestrian visibility splays, with an increased width of 4.2 metres for the first 6 metres to allow for vehicles turning in. At the rear of the site were a number of trees that were the subject of a Tree Preservation Order (TPO); these would be protected during construction by condition. The design of the dwelling mimicked those constructed at the rear of no 18 and was considered acceptable.

Details of the impact on residential amenity were set out at section 3 of the report. Two further representations had been received since the report was written. The occupants of no 18 had raised concerns about overlooking from a full height window, but it was considered that this would be overcome by screening. Another neighbour had raised concerns about the development of a wooded area at the rear of the application site. However, this was not part of the proposed scheme. The recommendation was that planning permission should be granted.

Councillor J S Back raised concerns that Archers Court Road was the second busiest in Whitfield. The proposed development was located at a pinch-point for traffic congestion, with vehicles mounting the footway in order to pass. Although KCC Highways had raised no concerns over the application, they had agreed to prohibit parking in Archers Court Road during the construction of Phase 1 of the Whitfield development, indicating that they did consider traffic congestion to be a problem in Archers Court Road. Granting planning permission would set a precedent for further back-land development in this part of Whitfield which in turn would lead to more traffic congestion.

The Senior Planner acknowledged the traffic problems mentioned, advising that he had sought informal advice from KCC Highways accordingly. Given that there was an existing access, and only one dwelling was proposed, the development was considered acceptable. Councillor Back raised concerns about the cumulative effect of such developments and why this was not taken into consideration. The Principal Planner reminded Members that they had to assess each application on its merits, and could not consider developments that might arise in the future.

Councillor Bond sympathised with the points raised by Councillor Back. He was no supporter of back-land development and the road was very narrow. However, one dwelling was unlikely to make the traffic situation worse, and he could find no material planning grounds on which to refuse the application. Councillor Richardson stated that he also disliked back-land development but thought it was inevitable given the demand for more housing. Councillor Morris commented that, over the years, Members had correctly predicted the adverse cumulative effect of proposed developments in Whitfield on existing

traffic and flooding problems. He suggested that the issue of cumulative effect needed further exploration between Members and Officers.

RESOLVED: (a) That Application No DOV/15/00198 be APPROVED subject to the following conditions:

- (i) Approved plans;
  - (ii) Time limit;
  - (iii) Materials;
  - (iv) Boundary treatment, means of enclosure, gates;
  - (v) Hard and soft landscaping;
  - (vi) Access gradient;
  - (vii) No surface water discharge;
  - (viii) Access material bound for first 5 metres;
  - (ix) Permitted development restrictions – no extensions, no alterations to roof, no alterations to first floor windows, garages;
  - (x) Construction management plan;
  - (xi) Protection of TPO trees throughout construction;
  - (xii) Obscure glazing.
- (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.

109 APPLICATION NO DOV/15/00533 - LAND FRONTING SEA VIEW ROAD AND REAR OF PALMERSTON, LIGHTHOUSE ROAD, ST MARGARET'S BAY

Members were shown photographs and plans of the application site. Having been deferred at the Planning Committee meeting held on 21 January 2016 for a site visit, the Senior Planner recapped that the application sought permission to vary condition 2 of planning permission granted at appeal under application no DOV/14/00021. The principal changes were: amended glazing at basement level; an alteration to a window in the elevation facing the property known as Kumara; the addition of a high level window to an en-suite bathroom; the enlargement of the basement area and the addition of a roof extension.

Councillor Richardson reported on the outcome of the site visit which had been held on 23 February. The panel had looked at all aspects of the application, namely the alterations to fenestration, the basement area and the roof extension. In respect of the window alterations, the panel was unanimous in finding them acceptable and, in some cases, considered that they would be beneficial in that the level of overlooking was likely to be reduced. The panel was also unanimous in respect of the extension of the basement area which it believed would have no overall impact on the building. The panel's deliberations had largely centred around the roof extension and its impact on overlooking and design. In terms of overlooking, the panel considered that it would have a marginal impact on overlooking. However, within the overall context of the building and, given that it was set back, the panel concluded that the additional impact of the extension was likely to be negligible. When considering its impact on the overall design of the building and

neighbouring properties, three Members concluded that, on balance, that additional impact was not sufficiently detrimental to warrant refusal. However, two Members felt that its impact would be such that it made the extension unacceptable. Overall, the general view was that the structure was very overbearing, particularly on Kumara, and that planning permission should not have been granted by the Planning Inspector.

Councillor Gardner stated that the Committee could not pick and choose which parts of the application were acceptable. For this reason, he recommended refusal of the application on the grounds that the roof extension was an incongruous form of development and would be harmful to the visual amenity, appearance and character of the street scene. He suggested that an informative be added to advise the applicant that should planning permission be sought for the other variations to condition 2, this was likely to be granted.

Councillor Bannister voiced concerns that the appeal had been allowed by the Inspector. The building was too large and overbearing. However, he was of the opinion that the roof extension was unlikely to make a significant difference to overlooking which was already a problem. On the design aspect, the extension was only visible from the properties opposite and could not generally be seen from the road.

Councillor Morris advised that he had attended the site visit as the ward Councillor in order to voice concerns raised by his constituents. He had not expressed a personal view at the site visit nor had he pre-determined his position on the application. He was of the opinion that the roof extension would look incongruous and was a step too far. The massing of the building was unacceptable, particularly when viewed from Kumara. Given the number of windows, some at full height, there would inevitably be a significant degree of overlooking. His other concern related to the potential for access to the roof. The fact that Planning Officers had felt it necessary to attach a condition prohibiting the use of the roof indicated that they believed this was a risk and a condition was therefore necessary in order to make the application acceptable. However, the NPPF stated that any conditions must be enforceable. Without this condition the application would not be acceptable but, since the Senior Planner had advised at the site visit that the condition was not enforceable, this left Members in a difficult position. Councillor Kenton commented that the use of the roof would cause significant overlooking, and agreed that the application was unacceptable if the condition could not be enforced.

The Senior Planner advised that the condition per se would not be able to stop people getting onto the roof. The original plans had included a roof terrace and the condition had been imposed in order to prevent that happening. The Principal Planner added that, although it was difficult to prevent people getting onto the roof, Planners could enforce the use of the roof as a formal sitting out area with a balustrade, etc.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/15/00533 be REFUSED on the grounds that the roof extension, if permitted, would, by virtue of its height, siting and design detail, result in an intrusive and incongruous form of development, harmful to the visual amenity, appearance and character of the street scene, which is at odds with the desirability of preserving or enhancing the character and quality of the area, contrary to the aims and objectives of, in particular, paragraphs 17, 56, 57 and 61 of the National Planning Policy Framework, and which fails to maintain or improve the character of the surroundings, contrary to the aims and objectives of the Kent Design Guide.

Informative: That the applicant be advised that, should an application for the other variations to condition 2 of planning permission DOV/14/00021 be submitted in the future, it is likely that it would be granted.

110 APPLICATION NO DOV/15/00730 - LAND ADJACENT TO 53 CHURCH PATH, DEAL

The Committee viewed photographs and plans of the application site. The Senior Planner advised that the proposed dwelling would have a similar footprint to that of no 53 which had been granted planning permission under DOV/13/00951. It would be a three-bedroom house with no off-street parking. Officers had considered issues relating to overshadowing, overlooking and outlook and had concluded that, on balance, these were acceptable.

Under application no DOV/13/00951, a condition had been attached to allow a 20% reduction in the crown of a sycamore tree which stood in the southern corner of the site. A subsequent application to fell the tree was refused and dismissed at appeal in 2015. Following a call from a member of the public, the Tree Officer had subsequently visited the site and assessed the tree as being in poor condition, with some limbs being diseased or dead. Following discussions, works to reduce the crown of the tree started in April 2015. These works had resulted in a reduction in the crown of more than 20%. In clarification, the Senior Planner advised that the granting of planning permission for this application would override the TPO appeal decision of 2015.

In respect of flooding, the application site was within Flood Zone 3A as defined by the Environment Agency. Given that the site had passed sequential and exceptions tests within the past two years in support of the application for no 53, it was considered that the suitability of the site had been established – particularly in the light of recent sea defence works at Deal.

No off-road parking was proposed which had also been the case for no 53. Although Core Strategy Policy DM13 recommended the provision of one off-road parking space for a three-bedroom dwelling, it considered that, in certain circumstances, the provision of no off-road parking was acceptable, particularly in sustainable locations. Furthermore, the Inspector, in considering a planning appeal in respect of the same site in 2009, concluded that, although there would be a loss of amenity due to the lack of parking, this was not sufficient to warrant a reason for refusal.

In response to Councillor Bond, the Senior Planner advised that Kent Fire and Rescue (KFR) was not routinely consulted on planning applications and had not been consulted in this instance. However, a list of planning applications was sent to KFR and it made comments as necessary. It was confirmed that the report and decision notice for no 53 had made no reference to KFR or sprinkler systems. Southern Water had raised no objections in respect of the current application, but had requested a condition requiring the submission of details of surface and foul water disposal.

Councillor Gardner referred to the fact that planning permission for two dwellings on this site had previously been refused. The TPO had been placed on the tree because it was a good specimen and contributed to the amenity of the area. It had since been 'butchered' and this was unacceptable. Two dwellings would be an overdevelopment of the site and he could not support the application. Councillor Bannister agreed and suggested that a site visit would be helpful.

Councillor Bond referred to the planning history of the site which had seen a refusal and dismissed appeal in 2000, followed by the same two years later. It had been a split decision to grant planning permission in 2013, and several Members had had concerns about the site then, these being accessibility and the overdevelopment of the plot. This had not changed. The tree had been assessed as being healthy in 2013, but its condition had seemingly deteriorated as a result of works carried out to the crown and limbs. This appeared to be rather convenient for the applicant whose application to fell the tree had been refused and subsequently dismissed at appeal. For these reasons, together with concerns about parking, he could not support the application. The Chairman reminded Members that Officers had advised that parking was not a consideration with this application and therefore not a valid reason for refusal. He added that issues surrounding access during construction were not a planning consideration.

**RESOLVED:** That Application No DOV/15/00730 be DEFERRED for a site visit to be held on Tuesday, 15 March 2016 in order to assist Members in assessing: (a) the

impact on visual amenity, road access and the location; (b) the condition of the TPO tree; and (c) whether the proposal would be an overdevelopment of the site, and Councillors S F Bannister, B W Butcher, B Gardner, A F Richardson and F J W Scales (reserve: Councillor J S Back) be appointed to visit the site.

111 EXTENSION OF MEETING

The Chairman advised the Committee that, under the Council's Constitution, it was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That, in accordance with Council Procedure Rule 9, the Committee does proceed with the business remaining on the agenda.

112 APPLICATION NO DOV/15/00982 - INNISFREE, GLEN ROAD, KINGSDOWN

Members viewed photographs and plans of the application site which had been allocated for development in the LALP following changes made to the Kingsdown settlement boundary. Under the Dover District SHLAA (Strategic Housing Land Availability Assessment), the site was considered suitable for development providing part or all of Innisfree was demolished. This was to ensure that there was 'no intensification of the village edge'. Demolition was not part of the current proposal. The site was bounded to the south and west by open countryside outside of the settlement boundary.

The proposed dwelling would be 22 metres wide by 14 metres deep, with a thin access strip between Innisfree and Glendale Lodge. Officers had significant concerns regarding residential amenity which were set out in detail at paragraphs 3.14 to 3.16 of the report. These included the overbearing effect that the north east facing elevation would have on Glendale Lodge, being only 1 metre distant from its rear fence. The degree of overlooking was also considered to be unacceptable given that the proposed dwelling would be 6 metres to the rear garden boundary of Innisfree and 18 metres to the boundary with Greenside. There was a 60mph speed limit at this point of Glen Road. KCC Highways had confirmed that an access formed onto the road would require a 215-metre visibility display on both sides of the access. The applicant had failed to provide details as to whether this was achievable. For the reasons set out in the report, refusal was recommended.

Councillor Richardson commented that this was a difficult site, being on the fringe of open countryside. Any development would need to be sensitively done and in keeping with the character of the area. This proposal fell short of that.

RESOLVED: That Application No DOV/15/00982 be REFUSED on the following grounds: (i) The development proposed, by virtue of its siting, scale and design details, would result in a form of back-land development unrelated to and out of keeping with the existing visual and spatial character of the area and would be harmful to the character and appearance of the street scene and the countryside, contrary to the aims and objectives of the National Planning Policy Framework paragraphs 17, 56, 57, 61 and 64. The proposal also fails to appropriately consider the context of neighbouring development, contrary to pages 59 and 66 of the Kent Design Guide; (ii) The development proposed, by virtue of its siting, scale and fenestration arrangements, would result in an unacceptable degree of overlooking and subsequent loss of privacy; loss of outlook and sense of enclosure to adjacent property occupiers; and unacceptable overshadowing of the rear private amenity area of residents in the adjacent Glendale Residential Home, contrary to the aims and objectives of the National Planning Policy Framework paragraphs 17, 56, 61 and 64 in particular and page 92 of the Kent Design Guide; and (iii) In the absence of sufficient information to demonstrate otherwise, it is not possible to determine, in the interests of highway safety, that the proposed access can achieve acceptable highway visibility standards in a manner that ensures the safe operation/use of the access on to Glen Road.

Accordingly, the proposal is contrary to the aims and objectives of the National Planning Policy Framework paragraphs 17 and 56 and contrary to the Kent Design Guide: Supplementary Guidance – Visibility (Interim Guidance Note 2).

113 APPEALS AND INFORMAL HEARINGS

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

114 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 10.10 pm.