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Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

18 August 2017

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 24 August 2017 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-8)

To confirm the attached Minutes of the meeting of the Committee held on 27 July 2017.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a horizontal line. The signature is fluid and cursive.

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 27 July 2017 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
J S Back
T J Bartlett
T A Bond
M R Eddy (as substitute for Councillor D G Cronk)
D P Murphy
G Rapley
P M Wallace

Officers: Team Leader (Development Management)
Principal Planner
Principal Planner (Enforcement)
Planning Consultant
Locum Planning Solicitor
Democratic Support Officer

31 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Cronk and B Gardner.

32 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M R Eddy had been appointed as a substitute member for Councillor D G Cronk.

33 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

34 MINUTES

The Minutes of the meeting held on 22 June 2017 were approved as a correct record and signed by the Chairman.

35 ITEMS DEFERRED

The Chairman advised that the three items listed (Application Nos DOV/16/00530 (Site adjacent to 5 Friends Close, Deal), DOV/16/01328 (Land rear of Archers Court Road, Whitfield) and DOV/16/01026 (Land South-West at Hammill Brickworks, Hammill Road, Woodnesborough) remained deferred.

36 CHAIRMAN'S ANNOUNCEMENT

The Chairman announced that Agenda Item 10 (Application No DOV/16/00955 – Site at Adelaide Farm Café, Sandwich Road, Hacklinge) had been withdrawn and would not be considered at the meeting.

APPLICATION NO DOV/17/00010 - 1 LUCKETT COTTAGES, THE STREET, PRESTON

Members viewed plans and photographs of the application site. The Planning Consultant advised that the application sought permission to erect one two-storey dwelling within the village confines of Preston, albeit that part of the garden of the proposed dwelling lay outside the confines. Preston had been identified in the Core Strategy as a tier 5 settlement which allowed for development that reinforced its role as a provider of services for its home community. Previous applications for the erection of three and then two dwellings had been considered an overdevelopment of the site.

Key considerations were the impact on adjacent listed buildings and parking. Amendments had been sought to address the scale and form of the building. The use of high quality materials would be sought in order for the dwelling to sit comfortably with the listed buildings. The front hedge would be retained to ensure that there continued to be a sylvan element to the site. Whilst Kent County Council (KCC) had advised that an additional parking space would be needed, Officers had not pursued this since more hardstanding – and the consequent loss of vegetation - would create a harsh appearance. Officers considered the proposal acceptable in terms of overshadowing/overlooking, and there would be no detrimental impact on ecology or drainage. In summary, the proposal was considered acceptable for a village centre and approval was therefore recommended.

Councillor T J Bartlett indicated that he was sympathetic to the parish council's position in that there were already too many larger properties in the village. He also expressed surprise that the Council's Heritage Officer had raised no objections. Councillor T A Bond agreed with the parish council's objections, but could see no policy grounds on which to refuse the application. It was clarified that the removal of permitted development rights had been conditioned to ensure that conservatories, extensions, etc could not be added in such a sensitive location.

RESOLVED: (a) That Application No DOV/17/00010 be APPROVED subject to the following conditions:

- (i) 3-year time period for implementation;
- (ii) In accordance with approved plans;
- (iii) Samples of materials;
- (iv) Large scale details of roof overhangs/eaves, window and door recesses/reveals and wastewater/soil pipes;
- (v) Provision and retention of parking;
- (vi) Construction Management Plan;
- (vii) Archaeological field evaluation;
- (viii) Removal of permitted development rights – window openings, extensions and outbuildings;
- (ix) Foul water/sewerage disposal details;

- (x) Landscaping Scheme;
- (xi) Retention of existing trees/hedgerows;
- (xii) Details of construction vehicle loading/unloading;
- (xiii) Wheel-washing facilities;
- (xiv) No surface water discharge to highway;
- (xv) No meter cupboards on front elevation of dwelling.

(b) That powers be delegated to the Head of Regeneration and Development to settle any necessary wording of conditions in line with the recommendations and as resolved by the Planning Committee.

38 APPLICATION NO DOV/17/00451 - SITE AT BETTESHANGER SUSTAINABLE PARKS, BETTESHANGER ROAD, BETTESHANGER

The Committee was shown drawings, plans and photographs of the application site. The Team Leader – Development Management advised that the site fronted Betteshanger Road, lying south of commercial premises and east of Almond House. The proposed building would be modern in appearance, with a design that had to meet European Structural Investment Fund (ESIF) requirements since the development would be funded by the ESIF. The ground floor would comprise small manufacturing units and an A3 café, with the second and third floors given over to office accommodation. The applicant had advised that 250 jobs would be created. There had been a lack of new development at Betteshanger, and it was hoped that the proposal would kick-start other development.

It was clarified that most of the site lay outside the current Development Plan (employment) allocation under Policy AS1. However, it was relevant that the site fell within the original outline permission granted in 2004 where it had been identified as suitable for employment use in the Masterplan forming part of that permission. This permission had now lapsed but remained a material consideration. Whilst the proposed building would be three storeys (higher than the two storeys envisaged by the Masterplan), it would be lower than Almond House and, in any case, the Masterplan had indicated that buildings of up to three storeys could be sited in the foreground of Almond House. Although it was recognised that there would be some impact on the landscape, Officers had concluded that the economic benefits outweighed this.

Nine letters of objection from local residents had been received. However, the Council's Head of Inward Investment had indicated his support for the proposal. As an amendment to conditions, it was recommended that an archaeological watching brief be added.

Councillor J S Back expressed his support for the proposal, as did Councillor M R Eddy who praised the design of the building which was redolent of the site's industrial history. Councillor Bartlett referred to the creation of a significant number of jobs. The Chairman reminded Members that, whilst the Masterplan was still current, it was superseded by Local Plan Policy AS1. He added that a reference to the A3 café use would need to be included in conditions.

RESOLVED: (a) That Application No DOV/17/00451 be APPROVED subject to the following conditions:

- (i) Standard 3-year time limit for commencement;
- (ii) Schedule of amended plans;
- (iii) Use Class A3, B1/B2 and B8;
- (iv) Floor area limit 2,475 square metres;
- (v) Hours of operation;
- (vi) Intrusive mineral extraction survey;
- (vii) Site levels and sections (may be affected by extraction);
- (viii) Construction Management Plan to be submitted prior to commencement of use;
- (ix) Safeguard against contamination;
- (x) No infiltration of surface water drainage into ground unless otherwise approved in writing with the Local Planning Authority;
- (xi) Details of external lighting, including hours of illumination (which shall identify compliance with 'Bats & Lighting in the UK (BCT, 2009)) in accordance with recommendations of the submitted Ecological Assessment;
- (xii) Details of external finishes and materials;
- (xiii) Landscaping (planting plan, timetable and maintenance plan);
- (xiv) Scheme of tree protection;
- (xv) Details of nesting bird mitigation, prior to clearance of site and/or commencement of development;
- (xvi) Operation of construction/clearance machinery/tools shall be prevented outside the hours specified;
- (xvii) Contamination watching brief;
- (xviii) Safe storage of chemicals;
- (xix) BREEAM 'very good' standard;
- (xx) Detailed Travel Plan;

- (xxi) No external storage or display of goods, equipment or waste;
- (xxii) Noise safeguards;
- (xxiii) Provision of electric charging points;
- (xxiv) Landscaping details (including detailed planting plan, hard surfacing, means of enclosure, planting timetable and landscape management plan) with specific details of the implementation and long-term management of the tree shelter belt along the southern boundary.
- (xxv) Conditions requested by the EA.
- (xxvi) Conditions requested by Kent Highways;
- (xxvii) Conditions requested by the ecological officer;
- (xxviii) Archaeological watching brief.

(b) That the applicant be advised that, if cumulatively the quantum of employment land on the remainder of the allocated area exceeds the 22,000 square metres (when the application site is included), then additional highway modelling relating to the wider capacity and specifically London Road/Manor Road will be required.

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

39 APPLICATION NO DOV/16/01484 - LAND OPPOSITE 8 AND 9 SEA ROAD AND REAR OF 3 CLIM DOWN, KINGSDOWN

The Committee viewed plans and photographs of the application site. The Principal Planner (Enforcement) advised that the application sought retrospective permission for the erection of a 1.8-metre fence with two gates, a central stairway and terracing. Since the report was written, an additional letter of objection had been received. The applicant had also made a further representation. Neither of these representations raised any new issues that had not already been covered in the report. Also since the report was written a trellis had been affixed to the top of the fencing which had been stained a darker colour to that shown in the photographs.

The site had formerly been overgrown but had been viewed by neighbours as a habitat for wildlife. It was clarified that the fence facing the seafront and the steps and terracing were subject to development control. The fences either side did not require planning permission. Whilst the development had a harsh appearance within the street scene, this could be addressed by soft and hard landscaping. Members were referred to the fact that the garden of the adjacent property at 5 Clim Down had a similar arrangement, albeit that a hedge had been added which softened its appearance.

Although concerns had been raised about the safety of people using the public footpath. KCC Highways had raised no objections. The Council's Ecology Officer had also raised no objections. Officers were of the view that the use of conditions to control planting, landscaping, etc would ensure that, in time, the site would blend in with the rest of the street. The first planting season was in October, and Officers would require details of the proposed planting scheme to be submitted then.

Members agreed that there were no planning grounds on which to refuse the elements of the application which required planning permission. They also suggested that it would not be in the applicant's interests to leave the site unplanted. Councillor Eddy suggested that gaps should be made in the side fences to allow wildlife such as frogs and hedgehogs to move through the site. The Chairman suggested that a condition could be added for this purpose, with the precise wording delegated to Officers.

RESOLVED: (a) That Application No DOV/16/01484 be APPROVED subject to the following conditions:

- (i) Details of soft landscaping;
- (ii) Stain the new fencing using brown or black paint;
- (iii) Dressing of concrete terracing;
- (iv) Details of scheme to enable hedgehogs and frogs to transit the site.

(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.

40 APPLICATION NO DOV/17/00388 - THE BLACK BARN, GREAT KNELL LANE, ASH

Members were shown drawings, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of two new, two-storey dwellings that would follow the footprint of an existing barn (the Black Barn) which was to be demolished.

The site was beyond any urban or settlement confines, in a very rural setting. The principle of development was therefore contrary to Policy DM1 of the Core Strategy. Knell Lane was a very narrow road with no footpaths. Occupants would therefore be reliant on a car to access services, thus making the proposed development unsustainable. The National Planning Policy Framework required that there should be unusual and compelling circumstances to justify countryside development; such circumstances did not exist in this case.

The Committee was reminded that there was extant permission for the conversion of the Black Barn to two residential units with three bedrooms. However, the applicant had advised that this scheme was unviable and could not therefore be delivered. This meant that the Committee could give the approved scheme only limited weight when considering it as a 'fall-back' position.

The Chairman reminded Members that the Government had made an exception in allowing the conversion of redundant farm buildings to residential use. However, if conversion was not proposed, development in a rural location outside any settlement confines was clearly against Policy DM1.

Councillor B Butcher supported the refusal of the application, stating that the farm buildings looked in reasonable condition and therefore potentially suitable for conversion. Councillor Eddy agreed and referred to KCC's farmsteads strategy which supported the re-use of redundant farm buildings. Councillor Back emphasised that the proposed development would be contrary to Policies DM1, DM15 and DM16 of the Core Strategy.

RESOLVED: That Application No DOV/17/00388 be REFUSED on the following grounds:

- (a) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. If permitted, the construction of two dwellings, by virtue of their location, would represent an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1 and DM15 and paragraphs 17, 29, 55, 56, 58, 61 and 64 of the National Planning Policy Framework.
- (b) The proposal would lead to the generation of additional use of private car and, accordingly, would be contrary to Policy DM11 of the Dover District Core Strategy and to the sustainability objectives set out in chapter 4 of the National Planning Policy Framework.
- (c) No evidence has been provided to suggest that any material planning considerations exist, such as a viable 'fall-back' position, that would warrant the setting aside of the Policy presumption against the erection of new residential development in this location.

41 APPEALS AND INFORMAL HEARINGS

The Committee received the report on appeals determined between April and June 2017. As a correction to the report, the Team Leader – Development Management advised that the percentage of delegated appeals upheld for the quarter should be 22%.

RESOLVED: That the report be noted.

42 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 7.27 pm.