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19 September 2017

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 21 September 2017 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-21)

To confirm the Minutes of the meetings of the Committee held on 24 and 31 August 2017.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over the text "Chief Executive".

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 24 August 2017 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
J S Back
T A Bond
D G Cronk
B Gardner
D P Murphy
M J Ovenden
G Rapley
P M Wallace

Officers: Team Leader (Development Management)
Development Planner (Kent County Council Highways)
Principal Planner
Principal Planner
Senior Planner
Senior Planner
Solicitor to the Council
Planning Delivery Manager
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/17/00698	Ms Valerie Owen	-----
DOV/16/01316	Mr Sam Bowman	Mr Anthony Lake
DOV/16/01026	Mr Mark Quinn	-----
DOV/17/00504	Mr Nicholas Rooke	-----
	Councillor M J Ovenden	
DOV/16/01469	Mr Mark Quinn	Mr Anthony Lake

43 APOLOGIES

It was noted that an apology for absence had been received from Councillor T J Bartlett.

44 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M J Ovenden had been appointed as substitute member for Councillor T J Bartlett.

45 DECLARATIONS OF INTEREST

As a point of clarification, Councillor B Gardner advised that, in respect of Agenda Item 6 (Application No DOV/17/00698 – The Limes Business Centre, 6 Broad Street, Deal), he had called the application in to Committee but was not objecting to it per se.

Councillor M J Ovenden advised that she had registered to speak on Agenda Item 10 (Application No DOV/17/00504 – Oak Meadow, Walderchain Farm, Lodge Lees, Denton), and would absent herself from the Chamber after doing so on the grounds of predetermination.

The Chairman advised that he would relinquish chairmanship of the meeting for Agenda Items 7 (Application No DOV/16/01316 – Land between 107 and 127 Capel Street, Capel-le-Ferne) and 11 (Application No DOV/16/01469 – Land to the north of New Dover Road, Capel-le-Ferne) on the grounds that these were applications for sites within his ward and he wished to participate fully in the debate, unfettered by being Chairman. Councillor B W Butcher would chair the meeting for these items.

46 MINUTES

The Minutes of the meeting held on 27 July 2017 were approved as a correct record and signed by the Chairman.

47 ITEMS DEFERRED

The Chairman advised that one of the items listed (Application No DOV/16/01026 (Land south-west at Hammill Brickworks, Hammill Road, Woodnesborough) was dealt with elsewhere on the agenda. The remaining items (Application Nos DOV/16/00530 (5 Friends Close, Deal) and DOV/16/01328 (Land rear of Archers Court Road, Whitfield)) remained deferred.

48 APPLICATION NO DOV/17/00698 - THE LIMES BUSINESS CENTRE, 6 BROAD STREET, DEAL

Members were shown plans, drawings and photographs of the application site. The Senior Planner advised that the building was situated in Deal, outside any primary or secondary shopping areas. The application sought permission for a change of use of the second floor, from office accommodation to a two-bedroom residential unit which would result in the loss of 91 square metres of office space. The applicant had undertaken a marketing exercise in connection with letting the unit as office accommodation, but this had proved unsuccessful.

Councillor Gardner stated that he could not support the application since the Council had consistently failed to meet its employment space/land targets, and the site should therefore be retained for this purpose, particularly given its proximity to the town centre.

Councillor T A Bond disagreed, commenting that the application site was clearly proving difficult to let as a commercial property and, in any case, was likely to employ only a low number of people due to parking issues. The proposal would also support the vibrancy of the town centre. Councillor J S Back agreed, arguing that the building had almost certainly been built originally as a dwelling, and that office space on the top floor of such a building would be unpopular.

It was proposed by Councillor B Gardner and duly seconded that Application No DOV/17/00698 be refused on the grounds that its change of use would lead to the loss of employment space.

On being put to the vote, the motion was LOST.

It was proposed by Councillor T A Bond and duly seconded that Application No DOV/17/00698 be approved as per the report recommendation.

On being put to the vote, the motion was CARRIED.

RESOLVED: (a) That Application No DOV/17/00698 be APPROVED subject to the following conditions:

- (i) Standard time restrictions;
- (ii) Carried out in accordance with approved details;
- (iii) Full details and particulars for a sound insulation scheme between commercial and residential parts of the development.

(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.

49 APPLICATION NO DOV/16/01316 - LAND BETWEEN NOS 107 AND 127 CAPEL STREET, CAPEL-LE-FERNE

Members viewed plans, drawings and photographs of the application site. The Principal Planner updated Members, advising that two further representations had been received from Capel-le-Ferne Parish Council, referring to bat and reptile surveys, suitable conditions being attached and the fact that the report to Committee did not adequately address its concerns. A further letter and a petition with 100 signatures had been received that day, requesting that the site be removed from the Land Allocations Local Plan (LALP) and the application refused. It was considered that the issues raised had been covered in the report.

Members were advised that the application sought outline planning permission for 41 dwellings, with all matters reserved except for access. The principle of development on the site had been established by its inclusion in the LALP, as Policy LA26. On the basis of the indicative plans submitted, it was considered that the development was fully in line with LA26. Whilst the two and a half storey apartment buildings had raised concerns, these could be controlled by condition. The development's impact on the street scene could be mitigated by setting it back from the road and landscaping. Bat, badger and reptile surveys had been submitted, and matters relating to protected species could also be controlled by condition. Highways issues had raised many concerns. However, it was considered that measures such as a new footpath and the installation of double yellow lines would adequately address these concerns and render the development acceptable.

In respect of highways, Councillor F J W Scales commented that, with the nearest bus-stop 750 metres away, residents of the proposed development would be wholly reliant on car journeys. The acceptability of the development rested on the proposed highway works and, for this reason, it was critical to understand what these would be, and to be confident that they would actually take place. In this regard, it was important to clarify land ownership. Whilst accepting that residents did not have a right to park outside their houses, he was not comfortable with the use of double yellow lines which would disadvantage existing residents.

Furthermore, the development would generate additional journeys on the B2011 which required improvements. He proposed that a site visit should be held in order to allow Members to better understand the proposed highway works.

Councillor Scales also raised concerns in relation to the proposal's impact on the Kent Downs Area of Outstanding Natural Beauty (AONB). Policy LA26 provided for up to 40 dwellings on the site. However, given the site's rural setting and proximity to the AONB, the number of dwellings proposed by the applicant should be reduced, and changes made to the layout and design (particularly to the apartment buildings which were too high). The Committee was being asked to approve an application in outline only, and it was therefore important to indicate what would not be acceptable on this site.

The Development Planner (Kent County Council) confirmed that the land needed to extend the footway was within the existing highway. Although the ownership of sub-soil might be included in house deeds, this was overridden by the rights of the highway running over it. The proposed parking restrictions at the site access were considered necessary for pedestrian visibility. Those proposed further down the road were designed to improve traffic flow at school drop-off and collection times. If there were concerns regarding 24-hour restrictions, the proposals could be amended to allow overnight parking.

The proposed highway works would be required to be completed before the occupation of the houses. Construction traffic would be controlled by a Construction Management Plan, and would be restricted to making deliveries and movements outside school hours. In response to Councillor Scales who argued that highway works should be completed before any works commenced at the site, the Development Planner clarified that the permanent highway works would be completed prior to first occupation. In respect of construction traffic, planning permission would be granted with restrictions to control routeing, wheel-washing, etc.

The Principal Planner added that the applicant was required to submit a Construction Management Plan prior to any works commencing. Moreover, off-site highway works could be conditioned to be completed prior to construction rather than occupation. In response to a query from Councillor D G Cronk, she clarified that the development would provide 30% affordable housing on site.

Councillor Gardner raised concerns that Members were being asked to grant planning permission when only limited details were available. He was not comfortable with this and supported a site visit. Councillor G Rapley raised concerns about Capel's existing problems with HGVs. Councillor Bond commented that the report lacked detail in respect of the increased flood risk. He also questioned the development's impact on and provision of parking, how effectively the Construction Management Plan could be enforced, and the number of vehicle movements that would be generated. His concern was that a housing estate was being built which would generate a significant amount of traffic onto a road that was designed to cope with only a few detached dwellings. Councillors Ovenden and Back added that the development looked cramped and that the apartment buildings were particularly inappropriate at this location.

The Development Planner clarified that the parking provision of 75 spaces met the criteria set out in Policy DM13. Whilst there would be a loss of some existing on-street parking, a number of communal spaces would be provided within the site, together with some lay-by spaces on the highway. It was confirmed that the road

within the site would be built to a standard that would allow it to be adopted by KCC. The requirement for a Construction Management Plan was a standard condition which was used to control construction traffic and was therefore enforceable by the Local Planning Authority.

In response to Members' queries, the Principal Planner advised that there was no requirement to submit a flood risk assessment as the site lay within Flood Risk Zone 1, an area with the lowest risk of flooding. Southern Water had raised no objections, and the submission of a surface water drainage strategy would be conditioned. The height of the apartment buildings could be controlled by condition, using metres rather than storeys.

Councillor P M Wallace welcomed the development in as much as more homes were badly needed and the proposed scheme would provide affordable housing. However, this was not the right site for the proposed development. Concerns around highways and parking, together with the density, scale, overbearing nature and unsustainability of the scheme, meant that he could not support the proposal.

Councillor Scales confirmed that he wished to withdraw his motion for a site visit.

It was moved by Councillor F J W Scales and duly seconded and

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/16/01316 be REFUSED on the following grounds: (i) Insufficient consideration has been given to Policy LA26 of the Land Allocations Local Plan and how the development, particularly its density, will affect the Kent Downs Area of Outstanding Natural Beauty; and (ii) Highway works are inadequate to cope with the size of the development and these, together with the associated infrastructure, will have a detrimental visual impact.

(b) That the precise wording of the reasons for refusal be delegated to Officers, in consultation with the Chairman and Vice-Chairman of the Planning Committee.

(The Chairman vacated the chair for this agenda item. Councillor B W Butcher assumed chairmanship of the meeting.)

50 APPLICATION NO DOV/16/00985 - AYLESHAM VILLAGE EXPANSION, AYLESHAM (PHASES 1B2 AND 1B3)

The Committee was shown plans, drawings and photographs of the application site. The Principal Planner advised that the application sought approval of matters that had been reserved in respect of Phase 1B of the Aylesham development. The proposed development would provide 27 affordable homes, and the proposed layout was considered the best that could be achieved on what was an unusually shaped site. The applicant had originally sought to re-route EE416, an existing Public Right of Way (PROW) which ran along the south-eastern boundary of the site, through the development but, following objections from KCC and Aylesham Parish Council, it would be retained in its current position, albeit with a slight realignment to the north-west of the site. The Parish Council had also raised concerns about an infringement relating to EE288, but this PROW was not within the application site.

Councillor Gardner advised that he was speaking on behalf of Councillor L A Keen who had called the application in to Committee. It was unacceptable that the developer had blocked off parts of the PROW on site and built over other parts. In response to Councillor Back, it was reported that the roundabout off the A2 flyover had been designed and was awaiting technical advice from Highways England and KCC. Works on the roundabout (which was not linked to this application) were due to commence in spring 2018.

In response to concerns raised by Members about the realignment of EE416, the Solicitor to the Council advised that it was subject to a separate process which effectively 'piggy-backed' on the planning application. Once planning permission had been granted, an order could be made and consultation undertaken in accordance with regulations made under planning legislation. In response to concerns raised by Councillor Gardner, the Chairman advised that the applicant would not be able to build over the PROW – unless he had obtained the required permission to do so under the order.

The Principal Planner clarified that the proposed drainage measures followed those employed for earlier phases of the development. The pumping station referred to in the report would be situated at least 15 metres away from the nearest properties.

RESOLVED: (a) That Application No DOV/16/00985 be APPROVED subject to the following conditions:

- (i) The development shall be carried out in accordance with the approved plans;
- (ii) Details of boundary treatments to allow the movement of native species;
- (iii) Details of hard and soft landscaping to and around Public Right of Way EE416 and details of public access to be provided in perpetuity between the Public Right of Way and Central Boulevard.

(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.

(c) Informative: To advise the applicant that it will be necessary to divert the Public Right of Way EE416 (precise wording to be delegated to Officers).

51 APPLICATION NO DOV/16/01026 - LAND SOUTH-WEST AT HAMMILL BRICKWORKS, HAMMILL ROAD, WOODNESBOROUGH

The Committee viewed plans, drawings and photographs of the application site. The Principal Planner advised Members that the application sought outline planning permission for 18 dwellings, and full planning permission for the conversion of two engine sheds to office and residential accommodation. The site to the north of the application site, which had been the subject of planning permission granted in 2012, had largely been built out. All the original buildings associated with the site's industrial use had now been demolished, save for the engine sheds. Further applications had been received relating to the wider site and the application site, the

most recent being an application in 2015 to convert the engine sheds to ten dwellings. Planning permission had been granted for all these applications.

Members were reminded that the 2012 planning permission had been granted at a time when the Council was unable to demonstrate a 5-year housing land supply. Other factors which had weighed in the application's favour had been the creation of business space and its contribution towards off-site affordable housing. The LPA's position had now changed as it was able to demonstrate a 6-year supply of housing land which meant that its Local Plan policies could be considered up to date.

The application site was outside the settlement confines and therefore contrary to Policy DM1 of the Council's Core Strategy. It was also a significant distance away from any facilities or amenities. The conversion of the engine sheds was supported by policy and would help to retain their character. However, the erection of 18 dwellings in this location was not supported by policy. The density of the proposed scheme was significantly greater than that of the development on adjacent land, and it was therefore considered that the proposal would exacerbate the urbanising effect of existing development.

Following the application's deferral at the Planning Committee meeting on 25 May 2017, the applicant had submitted an updated Viability Assessment which took account of the revised development contributions offered by the applicant. The updated Viability Assessment had been independently assessed. Whilst the Council's viability consultant had concluded that the development could support the higher development contributions offered, it was worth noting that this was now predicated on the applicant building out the development himself and the provision of larger dwellings. The additional contribution was estimated to increase the number of affordable homes that could be provided off site from approximately 3.2 to 4.1.

The application had also been deferred to enable Officers to give further consideration to whether there were additional public benefits arising from the developer's revised financial offer. Other than a small increase in affordable housing (and the conversion of the engine sheds), the scheme offered no wider public benefits. In fact, the increase in the size of the dwellings would cause additional harm to the character and appearance of the countryside. Officers therefore considered that there was no justification for departing from the Local Plan and refusal was recommended.

Councillor B W Butcher commented that he had supported the granting of permission for the 2012 application. However, this application was different and should be refused on the basis that the development was too large and its visual impact would be unacceptable in a countryside setting.

Councillor Gardner was sceptical about the additional financial contributions that were now being offered. However, his view was that this was a brownfield site and that a contribution was being offered towards affordable housing. For these reasons, he supported the application. Councillor Wallace welcomed the development which had economic benefits, although he recognised the need to protect the landscape. Councillor Ovenden argued that it was an important site which deserved to be finished off, and came with the added benefit of affordable housing.

The Chairman acknowledged that the application site was unsightly and that some Members were of the view that the proposed development would effectively finish

the site off. However, in his view the additional housing would swamp the engine sheds. There were several robust policies applying to development in the countryside, and he had heard no reasons that would justify setting these aside. The site was outside village confines, in an unsustainable location and approval of the additional development would be akin to creating a village in the countryside.

Councillor Butcher added that it was only the part of the site that contained the engine sheds that was considered brownfield land, and planning permission for the conversion of those had already been granted. In his view, completion of the original planning permission would finish the site, but any further development would spoil the site. The Principal Planner clarified that a Section 106 legal agreement had been attached to the 2012 planning permission, requiring that the engine sheds should be made wind and watertight so as to prevent further deterioration.

It was proposed by Councillor B W Butcher and duly seconded that Application No DOV/16/01026 be REFUSED as per the report recommendation.

On being put to the vote, the motion was LOST.

The Principal Planner advised that, if the Committee was minded to approve the application, Section 106 obligations and conditions should be attached to the planning permission. These included the provision of an off-site affordable housing contribution, a financial payment for Special Protection Area (SPA) mitigation, the provision and maintenance of play space, and the provision of commercial floor space prior to the first occupation of the residential development. Conditions would include the submission of a construction management plan, details of foul water disposal, samples of materials, an archaeological watching brief and the removal of certain permitted development rights.

It was proposed by Councillor B Gardner and duly seconded and

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/16/01026 be APPROVED because the Planning Committee considers that a departure from the Dover District Local Plan is justified on the following grounds: (i) The development will provide a financial contribution towards affordable housing in the District; and (ii) The harm caused to the character and appearance of the countryside will not be significant due to there being an existing development on the site, and the proposed conversion of the engine sheds and additional dwellings will complete the overall development of the site.

(b) That powers be delegated to the Head of Regeneration and Development to agree the precise wording of and settle any necessary planning conditions, and to agree a Section 106 agreement in line with the issues set out in the report and as resolved by the Planning Committee. These conditions and Section 106 obligations to include:

- (i) 3-year condition regarding the full application;
- (ii) Outline and reserved matters conditions;

- (iii) Development in accordance with approved plans;
- (iv) Submission of a Design Code prior to first reserved matters;
- (v) Details of existing and proposed levels;
- (vi) Full details of all renewable technologies, including but not limited to ground or air heat source pumps and electric vehicle charging points;
- (vii) Submission of a construction management plan;
- (viii) Highways conditions recommended by Kent County Council;
- (ix) Contaminated land condition, as recommended by Environmental Health;
- (x) Identification and remediation of any previously unidentified contamination;
- (xi) Details of surface water infiltration, based upon submitted details;
- (xii) Full details of foul water disposal;
- (xiii) Joinery details (in accordance with approvals on site to north);
- (xiv) Details of landscaping and replanting;
- (xv) Details of benches, bins and other minor artefacts;
- (xvi) Archaeological watching brief;
- (xvii) Provision of ecological mitigation and enhancements;
- (xviii) Removal of certain permitted development rights relating to alterations, extensions and outbuildings.

Section 106 Obligations:

- (i) Provision of an off-site affordable housing contribution of £575,750;
- (ii) Financial payment for SPA mitigation;
- (iii) Provision and maintenance of play space;
- (iv) Provision of commercial floor space prior to first occupation of residential development.

52 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.37pm for a short break and reconvened at 8.42pm.

53 APPLICATION NO DOV/17/00504 - OAK MEADOW, WALDERCHAIN FARM, LODGE LEES, DENTON

Members viewed plans and photographs of the application site. The Senior Planner advised that the application sought outline planning permission for an agricultural worker's dwelling at a site which was located outside settlement boundaries and in the AONB. The site was surrounded by woods, in an area of sporadic development.

The Council's rural adviser had assessed the application and advised that the application did not meet the tests for an agricultural worker's dwelling set out in paragraph 55 of the National Planning Policy Framework (NPPF) which required that there should be an essential need for the worker to live at or near their place of work. In addition, given that the application was in outline only, it was not possible to determine whether the proposed dwelling would be able to meet the requirements of Policy DM16 of the Core Strategy which sought measures to mitigate harm to the character of the landscape. The application had also failed to demonstrate that there was a functional need for the development, as required by Policy DM1.

Councillor Bond sympathised with the applicant, but emphasised the need to consider planning policies. Whilst the development would meet an individual's short-term need, the impact on the countryside would be long term. Councillor Gardner questioned why no evidence had been submitted in respect of the applicant's hours of work in order to justify the proposal. The Chairman raised concerns that planning permission would be linked to the land/site and not to the individual.

RESOLVED: (a) That Application No DOV/17/00504 be REFUSED on the grounds that the development would, if permitted, result in an unjustified form of development which would be harmful to the setting, appearance, character and quality of the countryside and the Kent Downs Area of Outstanding Natural Beauty (AONB) which has the highest level of protection, contrary to Core Strategy Policies DM1, DM11, DM15 and DM16, the aims and objectives of paragraphs 11, 12, 14, 17, 55 and 115, in particular, of the National Planning Policy Framework, and policies SD2, SD8 and LLC1 of the Kent Downs AONB Management Plan.

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

54 APPLICATION NO DOV/16/01469 - LAND TO THE NORTH OF NEW DOVER ROAD, CAPEL-LE-FERNE

The Committee was shown maps, plans and photographs of the application site which lay outside settlement boundaries. The Senior Planner updated Members, advising that the Campaign to Protect Rural England had reiterated concerns already raised about the proposal, namely (i) that it would be detrimental to the AONB; (ii) the site was Grade 2 Best and Most Versatile agricultural land; (iii) that it would be too large for the village; (iv) the proposed infrastructure was not adequate to cope with the increase in traffic; (v) the proposed access to the school; (vi) effect of noise and light pollution on the AONB; and (vii) the harmful effect on the general appearance and character of the countryside.

Members were advised that objections had been raised by the Council's Landscape Officer, the Kent Downs AONB Unit and Natural England in respect of the proposal's impact on the AONB which enjoyed maximum protection. Their view was that there would have to be an exceptional need to override the harm that would be caused to the AONB. This had not been demonstrated in this case and the development could be accommodated elsewhere in the District, outside the AONB. Whilst the site had been put forward for inclusion in the LALP, it had been excluded due to concerns about the landscape impact. Moreover, paragraph 116 of the NPPF required that any detrimental impact of development on the AONB should be moderated. Whilst the applicant had submitted a landscaping and planting scheme to address this, the proposals were not considered appropriate or acceptable.

Turning to the wider public benefits, the applicant had referred to the economic benefits created by construction, as well as the provision of a supermarket and GP and dental surgeries. The development would also result in financial contributions being made to White Cliffs primary school and secondary education in Dover. Details of the other contributions were set out in the report. However, it was relevant to point out that the South Kent Coast Clinical Commissioning Group had advised that a health contribution would be sought towards existing surgeries in Folkestone rather than the construction of a surgery on site as the proposed development was not large enough to justify a new surgery.

In conclusion, there was not an exceptional need for the development. The proposed landscaping would enclose a site situated in an area that was open in character. The proposal was contrary to Policies DM1, DM15 and DM16 of the Core Strategy and to paragraphs 11, 12 and 14 of the NPPF. It was also contrary to the Kent Downs AONB Management Plan and refusal was therefore recommended.

Councillor Scales recognised that the proposed development offered real benefits for the local community, and welcomed the level of consultation that had been undertaken by the developer. However, the benefits to the local community were insignificant when weighed against the significant harm that was likely to be caused to the AONB which was of national interest. The connectivity of the application site to other areas of AONB was of significant importance. Whilst there was a need for more housing in the District, this was not the right site for it. The proposed development would increase Capel's contribution to the District's housing development to 20/30% when the Parish Council had agreed to 10% as part of the discussions around the LALP. This was an unacceptable increase for a village of Capel's size. Councillor Wallace liked the development, but there was no exceptional need for it to be located at the proposed site. There would be short-term benefits, but these did not outweigh the long-term harm that would be caused to the landscape.

Councillor Gardner welcomed the development which would deliver 30% affordable housing spread throughout the site. Although he had some concerns about access points, he was of the view that Capel should take its share of development.

RESOLVED: (a) That Application No DOV/16/01469 be REFUSED on the grounds that the proposed development, if permitted, by virtue of its location outside of settlement confines, would result in an unsustainable, unjustified form of urbanising development in the protected Kent Downs Area of Outstanding Natural Beauty (AONB), leading to a loss of Best and Most Versatile agricultural land and countryside, which

would be significantly harmful to the scenic beauty and landscape quality of the local and wider area and the street scene, where there are no overriding public benefits, contrary to Core Strategy Policies DM1, DM15 and DM16, and the aims and objectives of the National Planning Policy Framework, in particular paragraphs 8, 9, 11, 12, 14, 17, 112, 115 and 116, and the Kent Downs AONB Management Plan, policies SD1, SD2, SD3, SD8 and LLC1.

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

(The Chairman vacated the chair for the remainder of the meeting. Councillor B W Butcher assumed chairmanship.)

55 APPEALS AND INFORMAL HEARINGS

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

56 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 9.38 pm.

Public Document Pack

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 31 August 2017 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
T A Bond
M D Conolly
M R Eddy
B Gardner
D P Murphy
M J Ovenden
G Rapley

Officers: Team Leader (Development Management)
Planning Officer
Planning Officer
Planning Consultant
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/16/01496	Mr Nicholas Blake Councillor S S Chandler	-----
DOV/16/01229	-----	Mr Barry Holloway
DOV/17/00432	Mr Brian Duffus	-----
DOV/17/00636	Ms Susie Coulthard	Mr Robert Jennings
DOV/16/00986	Mrs Emma Baker	Mrs Gill Saville

57 APOLOGIES

It was noted that apologies for absence had been received from Councillors J S Back, T J Bartlett, D G Cronk and P M Wallace.

58 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillors M J Ovenden, M D Conolly and M R Eddy had been appointed as substitute members for Councillors Back, Bartlett and Cronk respectively.

59 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

60 ITEMS DEFERRED

The Chairman advised that the items listed remained deferred. However, it was anticipated that they would come to Committee in September or October.

The Committee was shown a map, drawings and photographs of the application site. The Planning Officer advised that the application sought permission for a change of use, from a holiday let to a permanent dwelling-house. The application site was situated within the hamlet of Barnsole which comprised a loose cluster of properties to the east of Staple. The proposal included the upgrading of vehicular access. Following concerns raised by Officers, amendments had been made to reduce the application site area. The impact on the countryside and the setting of the listed building was considered acceptable, as was highway safety. Key issues for consideration were the principle of development, and whether there were unusual and compelling circumstances that justified setting policies aside.

The application was contrary to Policies DM1, DM4, DM11 and CP1 of the Core Strategy. The proposal would also result in the loss of tourist accommodation which was an economic disadvantage and contrary to paragraph 28 of the National Planning Policy Framework (NPPF). When considering a proposal which was contrary to Policy DM1, Members would need to reflect on whether there were unusual and compelling circumstances which justified planning permission being given. In this regard, the applicants had submitted evidence and information, including details of their personal circumstances and accounts showing the low level of income derived from letting the property. Since the report was written, an additional representation from the applicants had also been circulated to Members. Whilst they were material considerations, personal circumstances seldom carried sufficient weight to justify granting planning permission.

Councillor B Gardner commented that a previous Planning Committee had made the decision that the building should not be used as a permanent residence. In his view the property had not been marketed properly as a holiday let, and he questioned whether this was deliberate. If evidence was forthcoming that the property had been marketed properly or that attempts had been made to sell it as a holiday let, his view was that the outcome might be different. However, on the basis of the report, no case had been made and he proposed that the application should be refused.

Councillor T A Bond argued that the applicants had demonstrated that the business was not viable. He was of the opinion that the site would be difficult to sell as a holiday let business, and would undoubtedly stand empty if permission were refused. Whilst the Officer had come to a logical conclusion in her report, he suggested that the circumstances of the case merited further consideration. Councillor M D Conolly agreed that the building was likely to stand empty and deteriorate. He also questioned the assertion that the applicants would have deliberately allowed the business to fail over a number of years. He was concerned that similar sites had been given planning permission, and called for consistency in the Council's planning decision-making. Councillor Ovenden also raised concerns about consistency, and commented that the applicants' personal circumstances should be given due weight.

The Chairman advised that, whilst he sympathised with the applicants' personal circumstances, there was no clear evidence to show that the property was not viable as a holiday let. Neither had it been demonstrated that the property could not be sold as a holiday let business. If these issues were overcome, the Committee would be in a better position, and have clear reasons, to depart from the Council's policies. Councillor M R Eddy added that the Committee's role was to determine

the proper use of land and the buildings that stood on it. Its role was not to get involved in applicants' personal circumstances. Moreover, Members were required to assess the merits of this application, not to compare it to others that had gone before.

RESOLVED: That Application No DOV/16/01496 be REFUSED on the grounds that insufficient evidence has been provided with the application to demonstrate that the use of the property as a holiday let is no longer viable. The proposal would result in the loss of tourist accommodation and the provision of an unrestricted dwelling, beyond settlement confines, leading to an increase in travel by private car, and would be unsustainable development, contrary to Core Strategy Policies CP1, DM1, DM4, DM11 and the National Planning Policy Framework, in particular paragraphs 8, 14 and 17, and Chapter 3.

62 APPLICATION NO DOV/16/01229 - 117 LONDON ROAD, DEAL

Members were shown drawings, plans and photographs of the application site. The Planning Officer advised that the application sought retrospective planning permission for a single storey rear extension which had already been partially built. As an update to the report, Members were advised that a representation had been received referring to damage caused to a shared downpipe and the accuracy of plans. Damage to the downpipe was a civil matter, and it was confirmed that the plans were accurate. As a correction to the report, it was clarified that the reference to no. 117 at the top of page 27 should read no. 119. The design of the extension was considered to be sympathetic to the rest of the dwelling, and approval was therefore recommended.

Councillor Bond raised concerns about the application which had been ongoing for some time. Residents had raised concerns about flooding and pipework which he considered merited further investigation. He proposed that a site visit should be held. Councillor Gardner agreed that a site visit was justified in order to clarify flooding problems.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/16/01229 be DEFERRED for a site visit to be held on Tuesday 19 September 2017 to enable Members to: (i) establish the accuracy of the plans submitted; and (ii) assess the impact of the proposed development on residential and visual amenity, and Councillors T A Bond, B Gardner, D P Murphy, M J Ovenden and G Rapley (reserve: Councillor F J W Scales) be appointed to visit the site.

63 APPLICATION NO DOV/17/00432 - 32 THE STRAND, WALMER

The Committee was shown drawings and photographs of the application site. The Planning Officer advised that the application sought planning permission for a first floor extension to an existing garage within the rear garden of a terraced dwelling. A further representation had been circulated to Members. As a correction to the report, it was clarified that the references on page 33 should have read that no. 31 is to the south and no. 33 to the north of the application site. The design was considered to be sympathetic to the existing building and acceptable within the street scene. It was proposed to include a condition to remove permitted development rights in respect of openings to elevations in order to prevent the loss of privacy.

Councillor B W Butcher welcomed the proposal which would result in the removal of an asbestos roof. He proposed that the application should be approved. Councillor Eddy agreed that it was an improvement to the existing building and the street scene. Whilst there would probably be some overshadowing and overlooking into adjacent gardens, the overlooking would be addressed by the use of obscure-glazed windows. The Chairman clarified that the dwelling's eaves would run parallel with York Road. The windows and doors facing the application property would be fixed shut and obscure-glazed to prevent overlooking onto other properties.

RESOLVED: (a) That Application No DOV/17/00432 be APPROVED subject to the following conditions:

- (i) Timescale of commencement of development;
- (ii) A list of approved plans;
- (iii) Materials as confirmed by the applicant;
- (iv) Windows to be obscure glazed and fixed shut below 1.7 metres;
- (v) No openings to any elevations or roof plane;
- (vi) Ancillary use;
- (vii) Works to blind windows facing York Road to be completed prior to first occupation.

(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.

64 APPLICATION NO DOV/17/00636 - LAND SOUTH-EAST OF HULL PLACE, SHOLDEN, DEAL

Members were shown drawings, plans and photographs of the application site which lay outside the development confines of Sholden. The Planning Consultant advised that the application sought full planning permission for the erection of a single storey dwelling in an area of woodland adjacent to Hull Place which was a Grade II-listed building. A number of trees within the woodland were the subject of Tree Preservation Orders (TPOs). The buffer of trees was important as it separated the listed building from the new development known as Sholden Fields.

As a proposal outside the development confines, the application was contrary to Policy DM1 of the Core Strategy. Moreover, paragraph 55 of the NPPF stipulated that isolated homes in the countryside should be avoided unless there were special circumstances, including the design of the dwelling being truly outstanding or innovative. However, that was not the case with the design of the proposed dwelling which was considered unremarkable. The proposed, if permitted, would lead to the erosion of the character and appearance of the countryside as a result of the removal of the trees. For these reasons, and given that the Council could now

demonstrate a 5-year housing land supply, there was no justification for departing from the Local Plan.

Councillor Bond stated that, whilst he liked the eco-friendly design of the house, he could not support the proposal. The preservation of the trees had been a key issue during the Sholden Fields development and the woodland area deserved protection. Councillor Eddy liked the concept of the proposed dwelling, but did not consider it appropriate for the location. The Chairman reminded Members that the dwelling would need to be of exceptional design to overcome the Council's policies.

The Planning Consultant confirmed that, whilst the dwelling was not poorly designed, it was not truly outstanding or innovative either. The Government's drive to encourage more self-build development did not override planning policies. Whilst a significant number of trees would be retained, it was clarified that the applicant would need to remove some trees that were of lesser value and not covered by TPOs. It was also likely that there would be pressure to remove more trees in future to accommodate domestic paraphernalia.

RESOLVED: That Application No DOV/17/00636 be REFUSED on the grounds that the proposed development would be located outside of the urban and village confines and would therefore represent an unjustified and unsustainable form of development that, by virtue of its location, form and design, in addition to the proposed loss of trees and the potential future pressure to remove trees, would result in harm to the character and appearance of the locality, thereby proving contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraphs 12, 14 and 17, and Dover District Core Strategy Policies DM1, DM15 and DM16.

65 APPLICATION NO DOV/16/00986 - LAND BETWEEN HOMELEIGH AND LANSDALE, NORTHBOURNE ROAD, GREAT MONGEHAM

The Committee viewed photographs of the application. The Planning Consultant advised that the application sought planning permission for the erection of twelve dwellings on a site which had, in part, been designated for housing in the Land Allocations Local Plan (LALP). The proposal extended slightly further than the allocated area, as a result of which two additional dwellings would be provided. The extension would fill in a gap and was therefore considered practically and aesthetically acceptable. The scheme sought development along the road frontage only, with three access points 'puncturing' an existing hedge which was mature and considered of ecological value. Whilst the provision of a footpath had been envisaged in Policy LA37 of the LALP, Officers had concluded that this should not be carried out as it would increase the harmful impact on the hedge.

The proposed dwellings would be of a contemporary and interesting design, and would sit comfortably within the site. The scheme as a whole responded well to the existing pattern of development in the area. Concerns had been raised about traffic movements and highway safety due to the proposal to create three private driveways. However, the site had already been allocated for housing and two additional dwellings would not significantly add to the number of vehicle movements. In terms of safety, it had been concluded that widening the road could encourage speeding which was currently not a significant problem. Parking was considered acceptable.

In response to Councillor M R Eddy who raised concerns about the lack of pedestrian access between some of the houses, the Planning Consultant advised that a condition could be added to ensure that the landscaping plan demonstrated a pedestrian connection between the dwellings. The Chairman expressed disappointment that a footpath would not be provided.

Councillor Butcher raised concerns about the mature hedge which supported wildlife, and was likely to be removed altogether once the site was occupied. The road was very narrow and a busy one. He was not convinced by the addition of two dwellings and suggested that a site visit should be held. Councillor Bond agreed, raising an additional concern about the unsustainability of the site in view of Great Mongeham's lack of facilities. Several Members raised concerns about how much of the hedge would be lost.

In response to Councillors Butcher and Gardner, the Planning Consultant clarified that the extension was considered acceptable because it was regarded as infilling. If the additional dwellings were refused, that part of the site would inevitably come forward for development in the future. Moreover, planning permission for a reduced number of dwellings would not require an affordable housing contribution. In terms of additional traffic movements, two more houses would equate to eight more trips per day; not a significant number when compared with the 40 agreed in principle as part of the site's LALP designation. It was clarified that there would be a 3-metre planting buffer at the rear of the site that would not form part of the residential curtilages.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/00986 be DEFERRED for a site visit to be held on Tuesday 19 September 2017 to enable Members to: (i) assess the impact of the proposed development on the character of the area, countryside and hedgerow; (ii) assess the access arrangements; and (iii) understand whether the loss of a footway is acceptable, and Councillors T A Bond, B Gardner, D P Murphy, M J Ovenden and G Rapley (reserves: Councillors B W Butcher and F J W Scales) be appointed to visit the site.

66 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.03pm for a short break and reconvened at 8.11pm.

67 APPLICATION NO DOV/14/00240 - EASTRY HOSPITAL, MILL LANE, EASTRY

Members were shown photographs of the application site. The Planning Consultant advised that the application sought full planning permission for the redevelopment of the site, providing 100 dwellings and 568 square metres of commercial and community space. The site had been allocated for development under Policy LA29 of the LALP which set out a provision of up to 80 dwellings and 2,000 square metres of commercial floor space at the site. The scheme therefore proposed a significant uplift to the number of dwellings provided for in the LALP, and a significant reduction in the amount of commercial space. However, in respect of the latter, there was more attractive commercial space available elsewhere in the District (e.g. at the Discovery Park), with better connections to the public transport and highway networks.

The site contained a number of listed buildings which were in a significant state of disrepair. The renovation costs involved were considerable, and the applicant had

gone to a lot of trouble to devise sensitive plans for these buildings. The new buildings were of a scale and form to be expected. The applicant had taken a structured approach to the layout of the development, with a less dense form of development as buildings moved away from the road and closer to the countryside.

KCC Highways had raised no objections. Concerns had been raised about visitor parking provision and how it related to the dwellings. Concerns had also been raised about the number of vehicular movements which were predicted to be around 60 two-way movements during peak hours. However, this was not a significant number in the context of Eastry which was a large and busy village.

A Viability Assessment had been submitted and independently assessed. The applicant had originally proposed to make no affordable housing contribution but, following advice from the Council's assessor that house values had been underestimated, and further negotiations, a revised offer of 10% affordable housing had been made, as well as contributions towards play space and SAMMS (Strategic Access Management and Monitoring Strategies for protected areas).

In summary, the Committee was advised that the site, which had been allocated for development since 2002, would deliver 100 dwellings without the strategic infrastructure issues of other sites in the District. Whilst the level of affordable housing provision was disappointing, it was not surprising given the costs involved in renovating/repairing the listed buildings. Overall, the scheme was well designed, and it was considered that, on balance, the benefits outweighed any negative factors.

Councillor Gardner expressed concerns that 30% affordable housing would not be delivered, and conjectured that this was because the applicant had paid too much for the site. Granting planning permission would send out the wrong message to applicants that affordable housing did not matter. He proposed that the application should be refused on this basis. He also raised concerns about the advice received from Southern Water that there was a lack of capacity in the foul sewage network. Councillor Conolly questioned how much reliance could be placed upon the Viability Assessment which was now two years out of date.

The Chairman advised that the applicant would be required to submit drainage details which would then need to be approved by Southern Water. He also pointed out that some of the figures submitted with the Viability Assessment were now three years old. The Planning Consultant clarified that the Viability Assessment had been submitted the previous year and reviewed in October 2016. It was as a result of the Council's independent assessment that the absence of affordable housing provision had been challenged. He appreciated the concerns raised about drainage. Nevertheless, these could be addressed by conditions. Surface water would be disposed of by way of a sustainable drainage system which would not feed into the foul sewage network. In respect of foul sewage, it was for Southern Water to ensure that there was suitable off-site capacity.

In response to Councillor Butcher, the Planning Consultant clarified that the Chapel would be renovated for commercial or community use. There was a policy requirement for some commercial space at the site, and it was easier to convert the Chapel for commercial purposes than it was for residential. It was clarified that the conversion of The Range would be the most costly part of the scheme.

Councillor Bond expressed unease that Southern Water would not carry out any infrastructure upgrades until schemes were complete or nearly so. Schemes such

as Whitfield often had an immediate detrimental impact on the drainage network. Further information was needed on this and the increased flood risk.

The Chairman wondered whether the sewerage infrastructure could be incorporated into a legally binding Section 106 agreement to ensure it was in place by a certain time. He also expressed reservations about the lack of any phasing plan to ensure that the renovation of the listed buildings was carried out. The renovation/preservation of these historic buildings was probably the most important reason for developing the site after all. Councillor Eddy agreed that the low level of affordable housing provision was disappointing, particularly in a semi-rural area like Eastry. He also supported proposals for further clarification on drainage, details of the proposed conservation of the listed buildings and Eastry Parish Council's views on additional traffic.

In response to Members' queries, the Planning Consultant confirmed that a phasing plan had been submitted which indicated that the renovation of the listed buildings would happen in the second phase of the development. A phasing plan could be incorporated into the Section 106 agreement, and could restrict occupation to the listed building works. Suitable trigger points would need to be considered. Following discussions with the developer, KCC Highways had indicated that it was satisfied with the traffic information provided. Requesting more information would therefore be unreasonable. The layout of the site had largely been dictated by the position and reinstatement of The Range building. In respect of drainage, it was not standard procedure to include such matters in a Section 106 agreement. Finally, a reduced time limit could be placed on the development to ensure that the Viability Assessment remained relevant and to achieve the early delivery of housing.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/14/00240 be DEFERRED for the following information: (i) An updated Viability Assessment and an independent review of that Assessment; (ii) Clarification from Southern Water on whether there is an increased flood risk; (iii) Clarification from Southern Water regarding what drainage infrastructure is required; (iv) Details of the phasing plan for the listed buildings; and (v) Clarification on the design of the housing in front of the hospital and its association with that building.

68 APPEALS AND INFORMAL HEARINGS

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

69 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 9.00 pm.