

# Public Document Pack



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24 October 2017

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 26 October 2017 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-11)

To confirm the Minutes of the meeting of the Committee held on 21 September 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, 21 September 2017 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

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

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

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/17/00246	Mr Dan Town	Mr D Ledger
DOV/17/00811	Mr John Peall	Mr John May
DOV/17/00404	Mr Bailey	Mrs Doreen Ainscough-Barnsley
DOV/17/00810	Mr Paul Vicary	-----
DOV/17/00832	Mr John Burton	-----

70 APOLOGIES

It was noted that apologies for absence had been received from Councillors T J Bartlett and T A Bond.

71 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 A Bond.

72 CHAIRMAN'S ANNOUNCEMENT

The Chairman announced that Agenda Items 7 (Application No DOV/16/00986 – Land between Homeleigh and Lansdale, Northbourne Road, Great Mongham) and 12 (Application No DOV/17/00387 – Part of Wingham Court, Hawarden Place, Canterbury Road, Wingham) had been withdrawn and would not be considered at the meeting.

73 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

74 MINUTES

The Minutes of the meetings held on 24 and 31 August 2017 were approved as correct records and signed by the Chairman.

75 ITEMS DEFERRED

The Chairman advised that two of the items listed (Application No DOV/16/01229 (117 London Road, Deal) and Application No DOV/16/00986 (Land between Homeleigh and Lansdale, Northbourne Road, Great Mongeham)) were dealt with elsewhere on the agenda. The remaining items remained deferred.

76 APPLICATION NO DOV/17/00246 - OLD RECTORY, CHURCH HILL, EYTHORNE

Members were shown drawings, plans and photographs of the application site which had been allocated for development under Policy LA36 of the Land Allocations Local Plan (LALP). The Planning Consultant advised that the principle of development on the site was therefore established. The application sought planning permission for nine detached dwellings on a site around which there were a number of listed buildings.

In respect of the latter, it was considered that the separation distance between the site and the Grade II\*-listed church was sufficient that no harm would be caused to the church or any other listed buildings. The proposed scheme was fairly low density and respected the historical context of the area. There were a number of substantial trees within the site which contributed to the character of the area. Those which were the subject of Tree Preservation Orders (TPOs) would be retained. Conditions would be attached to require the submission of foundation designs to ensure that tree roots would be protected.

Church Hill was a narrow road and the properties would be in close proximity to the highway. Whilst Kent County Council (KCC) Highways had initially raised concerns about access arrangements, these matters had now been addressed. Traffic calming measures were proposed on Church Hill and, whilst not included in the report, Officers were of the view that it would be more appropriate for these to be completed prior to occupation rather than commencement. Parking provision was considered to be acceptable.

A Section 106 agreement would be required to deal with the translocation of slow-worms. Some permitted development rights would be removed in order to address concerns surrounding overlooking.

Councillor B Gardner expressed concern about the development's impact on trees, and suggested that a site visit should be held to understand where the houses would be sited. The Chairman pointed out that the houses appeared to be well positioned within the site, and the trees would be protected by TPOs. Any changes would have to come back to the Committee for approval to vary conditions.

The Planning Consultant advised that the Council's Tree Officer had visited the site and had suggested conditions relating to hardstanding and protection measures.

Two houses in the northern part of the site would be sited closest to the trees. It was possible that there would be pressure from future occupants to remove trees, and any applications for removal would be assessed on their merits. It was clarified that the number of parking spaces was adequate, and that Officers had requested a reduction in the number of proposed visitor spaces in order to protect open space.

Councillor P M Wallace backed calls for a site visit, raising concerns that the penalties for removing a TPO-protected tree were not overly punitive. The Planning Solicitor advised that transgressors could be prosecuted and fined for removing a tree subject to a TPO. It was clarified that there was no hard and fast rule when it came to determining the minimum separation distance between buildings and trees; this would vary between applications. The Chairman added that if Officers were not satisfied with the tree protection measures submitted, planning permission would not be granted.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/00246 be DEFERRED for a site visit to be held on Tuesday 24 October 2017 to enable Members to: (i) Check the position of the trees in relation to the proposed houses; (ii) Assess the internal road layout; and (iii) Assess the access arrangements onto and from the main road, and Councillors B Gardner, M J Ovenden, G Rapley, F J W Scales and P M Wallace (reserve: Councillor T J Bartlett) be appointed to visit the site.

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

The Committee was shown plans, drawings and photographs of the application site. The Planning Officer advised that further representations had been received since the report was written, but these raised no new issues. The position of the downpipe was shown incorrectly on the drawings, but the plans were accurate in all other respects. It was clarified that there was a gap of approximately 6 inches between the extension and the fence to 115 London Road. The design of the extension was considered sympathetic to the existing building. A condition would be attached to prevent openings to the side elevations of the extension.

Councillor Gardner reported the findings of the site visit held on 19 September. Members had viewed the extension from the applicant's garden and also from the garden of a house in Lister Close. Residents had been told that the extension would be 9 feet high, but this excluded a 3-foot plinth at the base. In addition, there were parapets at both ends which were approximately 2½ft high. Residents' concerns centred around the height and scale of the extension and flooding issues. Four of the five Members present at the site visit had considered the development to be acceptable, subject to the imposition of conditions. These included details of drainage and surface water disposal; the lowering of both parapets; the completion of the rendering of the side wall adjoining no. 115; the removal of permitted development rights so as to prohibit any side openings to the extension and, finally, the installation/reinstatement of the fencing to the side of the extension where there had previously been a garage.

Councillor M J Ovenden questioned why the Council's Building Control team had not been more closely involved in the development. The Chairman advised that building control matters were not for the Committee's consideration. He was of the view that the imposition of conditions would render the extension acceptable. Moreover, new conditions would require amended plans to be submitted.

Councillor Gardner commented that he disliked the extension and considered it out of character with the pair of semi-detached houses as it covered the whole of the rear elevation of the house. The plans were inaccurate as they showed a door in the side of the extension and a full length downpipe to the side of the extension. The parapets were also shown as being lower in the plans. He proposed that the application should be deferred so as to enable accurate and up-to-date plans to be submitted.

The Planning Officer advised that the amended plans now omitted the doorway, and were accurate in terms of the height of the extension which had been measured at the site visit and was 3.8 metres. The Chairman reiterated that amended plans had been submitted, and that the conditions proposed would address the concerns raised.

It was agreed that the final, updated plans would be e-mailed to Councillor Cronk who would forward them on to other Members.

It was moved by Councillor B Gardner and duly seconded that Application No DOV/16/01229 be DEFERRED for accurate and up-to-date plans.

On there being an equality of votes, the Chairman used his casting vote and the motion FAILED.

It was moved by Councillor B Gardner and duly seconded that Application No DOV/16/01229 be REFUSED on the grounds that the development was out of keeping with the surrounding dwellings.

On being put to the vote, the motion FAILED.

It was moved by Councillor B W Butcher and duly seconded that Application No DOV/16/01229 be APPROVED as per the report recommendations, subject to the additional conditions proposed.

RESOLVED: (a) That Application DOV/16/01229 be APPROVED subject to the following conditions:

- (i) List of approved plans;
- (ii) No openings to south-west (side) or north-east (side) elevations of the extension;
- (iii) Details of drainage and surface water disposal to be submitted to the Local Planning Authority in writing within 3 months of the Planning decision notice;
- (iv) Both parapets to be lowered in height (height to be agreed by Planning Officers);
- (v) Complete the rendering of the side wall adjoining no. 115 London Road;
- (vi) Remove permitted development rights so as to prohibit any side openings to the extension; and

(vii) Install/reinstate fencing to side of extension where there was previously a garage.

(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.

78 APPLICATION NO DOV/17/00811 - WEST COGGERS, 61 GRANVILLE ROAD, ST MARGARET'S BAY

The Committee viewed plans and photographs of the application site. The Planning Officer advised that the application sought retrospective planning permission for a 3-metre by 3-metre raised timber deck, sited to the centre of the south-eastern boundary of the rear garden of a ground floor flat known as West Coggers. Planning permission had previously been granted (but not implemented) for a raised terrace at the site in 2015. A 1.8-metre high hedge separated the applicants' rear garden from National Trust land to the south-east of the site. This land was also a Site of Special Scientific Interest (SSSI), part of the Heritage Coast and an Area of Outstanding Natural Beauty (AONB). Ten letters of objection had been received raising concerns about overlooking and a pine tree, amongst other things.

Officers were of the view that it was unlikely that the decking would cause harm to the pine tree. The Team Leader (Development Management) advised that Saved Local Plan Policy CO5 was relevant, and read the contents of the policy to the Committee. Members would need to consider whether the development would have a harmful impact on the Heritage Coast. However, with reference to each criteria of the policy, Officers were satisfied, given the nature of the development, that there would be no conflict with Policy CO5 such to warrant the refusal of the application.

Councillor J S Back referred to comments made by a public speaker who had raised concerns that people using the deck would be able to see into the living accommodation of neighbouring properties. However, this would also be possible if they were sitting on the grass. He proposed that the application should be approved. In response to Councillor G Rapley, the Planning Officer advised that the previous planning permission had not been implemented as the construction of a terrace against the house would have been costly, involving the raising of land levels. It was clarified that, being a flat, the property did not have permitted development rights.

RESOLVED: (a) That Application No DOV/17/00811 be APPROVED subject to the following conditions:

(i) List of approved plans;

(ii) Retention of the boundary hedge to the south-west of 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.

APPLICATION NO DOV/17/00404 - LAND ADJACENT TO GARDEN MEWS AND NORTH-WEST OF SYDNEY ROAD, DEAL

Members viewed plans, drawings and photographs of the application site. The Planning Officer advised that the application sought permission for the erection of a single storey dwelling on an area of undeveloped land between Garden Mews and the rear boundary of properties in Lydia Road. The applicant also proposed to extend the tarmacked surface of Garden Mews to provide vehicular access to the site. The proposed dwelling would be low and simple in form.

Concerns had been raised regarding the additional traffic that would be generated, as well as the narrowness of the road. Since the report was written, the occupiers of 20 Garden Mews had submitted further correspondence, reiterating concerns over their safety in relation to the additional traffic. Following negotiations, the proposed dwelling was now set at a lower ground level in order to protect the residential amenity of properties at 69 and 71 Lydia Road. The removal of roof-lights and a solid fence would also ensure that there was no loss of privacy for these properties.

Councillor Gardner was in favour of the development. In response to Councillor Ovenden, it was clarified that a large tree seen in the photographs was situated in a Sydney Road garden on the other side of the proposed dwelling.

RESOLVED: (a) That Application No DOV/17/00404 be APPROVED subject to the following conditions:

- (i) Commencement of development within three years;
  - (ii) Development in accordance with approved plans;
  - (iii) Material samples to be submitted;
  - (iv) Reptile survey conducted and mitigation measures implemented prior to development;
  - (v) No surface water to be discharged into the foul sewage system;
  - (vi) Details of an oil interceptor to be submitted prior to commencement of development;
  - (vii) Wheel-washing of construction vehicles;
  - (viii) Permitted development rights removed to prevent roof lights being inserted into the roof slope on the elevation facing Lydia Road;
  - (ix) The retaining wall and fence next to the Lydia Road boundary shall be erected prior to the first occupation of the dwelling.
- 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.

The Committee was shown plans, drawings and photographs of the application site which was within the urban confines of Deal and close to town centre amenities. A previous application for 17 residential units had been refused by the Committee and dismissed at appeal, the Inspector raising concerns about the contemporary design of the front of the building and the loss of privacy for 52 and 54 Anchor Lane. The overall bulk and scale of the previous scheme had not been considered appropriate for this location. However, it was considered that the applicant had now addressed these concerns.

The key changes to the scheme were the reduction in the number of units, the removal of the contemporary frontage and the setting back of the building which was now further back than the MOT building which had previously been on the site. The separation distance between the revised scheme and the elevation at first-floor level of 54 Anchor Lane was now 21.4 metres.

The District Valuer had examined the applicant's viability assessment, and advised that the demolition of the MOT building had affected the value of the land. Whilst the District Valuer had concluded that the scheme could support an affordable housing contribution, imposing such a requirement would prevent the development being brought forward. The applicant had agreed to make a contribution towards KCC library stock.

As an update to the report, Members were advised that a representation had been received from the Anchor Lane Action Group raising concerns about parking and the resurfacing of Anchor Lane. The applicant had indicated that they would attempt to restrict parking permits for new residents and resurface Anchor Lane. However, the former was not something the Council could agree to, and the latter was not required to make the development acceptable and could not therefore be conditioned. Southern Water had approved the connection to the public sewerage system.

Councillor Gardner welcomed the amended scheme, and praised the developer's engagement with local residents. He understood that the developer planned to resurface Anchor Lane anyway in recognition that it would be affected by construction traffic. His only reservation was the lack of affordable housing. He questioned the figures provided by Savills which had been, in his opinion, greatly inflated, and pointed out that management fee income had been omitted from revenue projections. The fact that the developer had paid too much for the site should not be a factor in the Committee's considerations. He suggested that the application should be approved, subject to a further review of the viability assessment in order to seek a higher contribution towards affordable housing.

The Chairman advised that it would be unsafe to grant planning permission when there was no certainty that the applicant could deliver what was being sought. In response to concerns raised by Members, the Chairman agreed that the viability assessment and independent assessment had shortcomings and that the current system should be reviewed. It was also disappointing that some details in the independent valuer's report had been redacted. However, he stressed that Members were overwhelmingly in favour of the scheme which would improve the area and provide a number of residential units in a sustainable location.

The Planning Officer pointed out that the District Valuer had agreed that the projected legal fees were too high. He had also assessed the projected sales fees



of 1.75% and found them to be reasonable. There would always be some subjectivity when it came to additional costs, and the fact that this was a commercial development was likely to affect the level of sales fees, etc.

The Team Leader (Development Management) stressed that the Committee should only defer the application if it believed that the viability assessment had not been properly addressed or that the information provided was erroneous. Valuation was not an exact science and another valuer might put forward an entirely different valuation. The applicant had taken a thorough approach in amending the scheme. Whilst affordable housing was desirable, Members should consider whether the sum involved warranted further delay.

It was moved by Councillor B Gardner and duly seconded that the application be deferred for a further review of the viability assessment.

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

It was moved by Councillor J S Back and duly seconded that the application be approved as per the report recommendations.

RESOLVED: (a) That, subject to the completion of a Section 106 Agreement to secure a contribution of £576.19 towards library book-stock, Application No DOV/17/00810 be APPROVED subject to the following conditions:

- (i) Standard time limit for commencement;
- (ii) The development to be carried out in accordance with the approved plans;
- (iii) Agreement of the materials;
- (iv) Details of hard surfacing materials;
- (v) Details of soft landscaping for the site;
- (vi) Details of all boundary treatments – including the provision of a flint wall to the front of Anchor Lane;
- (vii) Contamination matters;
- (viii) Provision of bin stores;
- (ix) Provision of cycle stores;
- (x) Details of window recesses and roof overhangs;
- (xi) Details of fenestration (which shall be of a high quality material);
- (xii) Details of render colour finish;
- (xiii) Drainage details to be submitted (surface water and sewage disposal);

- (xiv) EA conditions (re. flood risk);
- (xv) Highways conditions;
- (xvi) Obscure glazing/top hung windows where appropriate.

(b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and the S106/Legal Agreement, and matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

81 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.17pm for a short break and reconvened at 8.19pm.

82 APPLICATION NO DOV/17/00832 - LAND AT BELVEDERE GARDENS, DEAL

The Committee viewed plans and photographs of the application site which had formerly been part of Dola Avenue. The Principal Planner advised that the application sought planning permission for a single dwelling within the settlement confines. The application differed from one previously refused in that only one dwelling was now proposed. The refused application had been dismissed at appeal. Whilst the Inspector had disagreed that the dwelling would cause harm to the character and appearance of the area, concerns had been raised about the impact on neighbours, particularly the sense of enclosure that would arise to 43 Dola Avenue.

The dwelling was now sited further away from neighbouring properties, thus reducing the impact on no. 43. It was recommended that, if approved, conditions requiring a construction management plan and surface water drainage details should be attached. Officers considered that their and the Inspector's concerns had now been addressed and approval was therefore recommended.

In response to Councillor D G Cronk, the Principal Planner confirmed that the land had formerly been a garden area. Councillor Back expressed his support for the application, commenting that the development would make good use of an untidy piece of land.

RESOLVED: (a) That Application No DOV/17/00832 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Provision and retention of car parking;
- (iii) Provision and retention of cycle parking;
- (iv) Construction Management Plan;
- (v) Surface water drainage details.

(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.

83 APPEALS AND INFORMAL HEARINGS

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

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

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

The meeting ended at 8.31 pm.