

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 10 April 2014 at 6.00 pm.

Present:

Chairman: Councillor N S Kenton

Councillors: J S Back
T A Bond
P M Beresford (In place of B W Butcher)
P M Brivio
J A Cronk
B Gardner
K E Morris
R S Walkden
P M Wallace

Officers: Planning Delivery Manager
Principal Planner (Development)
Principal Solicitor
Senior Planner
Planning Officer (Enforcement)
Development Planner (KCC Highways and Transportation)
Democratic Support Officer

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/14/00027 & DOV/14/00028	Mr Kit Smith	Mr Michael Yates
DOV/13/00945 DOV/14/00023	Mr Andy Meader Ms Jane Scott Mr Ken Moreland	Mr Phil Marsh Ms Justine Crush Councillor M J Ovenden
DOV/14/00102	-----	Mr Jeremy Single

610 ELECTION OF A CHAIRMAN

In the absence of the Chairman and Vice-Chairman, the Principal Solicitor called for nominations for a Chairman to preside at the meeting.

In response to a query raised by Councillor J A Cronk regarding Agenda Item 6 (Application No DOV/13/00945), the Principal Solicitor advised that Councillor N S Kenton, as an Executive member, would have no more of a declarable interest in this application than other members of the Planning Committee. The point for all members of the Committee to consider was one of predetermination.

RESOLVED: That Councillor N S Kenton be elected as Chairman.

611 APOLOGIES

It was noted that apologies for absence had been received from Councillors B W Butcher and F J W Scales.

612 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors P M Beresford and N S Kenton had been appointed as substitutes for Councillors B W Butcher and F J W Scales respectively.

613 DECLARATIONS OF INTEREST

Councillor N S Kenton declared an Other Significant Interest in Minute No. 616 (Application No DOV/14/00027 and DOV/14/00028 – 37 Admiralty Mews, Walmer) by reason of his close association with the applicant who was a District Councillor and fellow member of the Cabinet.

614 MINUTES

The Minutes of the meeting held on 13 March 2014 were approved as a correct record and signed by the Chairman.

615 ELECTION OF A CHAIRMAN

The Chairman sought nominations for a Member to preside at the meeting for consideration of Minute No. 616 as he had declared an Other Significant Interest in the item and would therefore be withdrawing from the meeting.

RESOLVED: That Councillor B Gardner be elected as Chairman for consideration of Minute No. 616.

616 APPLICATION NO DOV/14/00027 AND DOV/14/00028 - 37 ADMIRALTY MEWS, WALMER

At the invitation of the Chairman, the Principal Solicitor offered advice to Members in order to clarify whether they might have an Other Significant Interest (OSI) in the application which had been submitted by a district Councillor. Members would need to consider whether they had a close association with the applicant. Being a member of the same party would not give rise to an OSI on its own, but socialising with the applicant on a regular basis might.

The Committee was shown photographs of the development. The Planning Officer (Enforcement) confirmed that, although the report had omitted to include any reference to the human rights implications, there were none.

The development affected a building which was not listed in its own right but which was situated within the curtilage of the Grade II listed buildings of Admiralty Mews, and therefore caught by Listed Building regulations. Permitted Development Rights had been removed from Admiralty Mews in the 1990s when planning permission was granted, one of the aims being to preserve the clean lines and military character of the buildings. The addition of a permanent domestic structure would have a material impact on the rear of the building and on the setting of the listed buildings. Whilst other domestic features were in evidence at the rear of the

building, such as garden fixtures, these were not permanent. Two applications for Admiralty Mews, including the one under consideration, had been refused. Another for a part-brick orangery on a self-contained building had been granted. In response to Councillor R S Walkden, the Planning Officer (Enforcement) advised that verandahs had been in existence at Admiralty Mews before World War II, but these had been covered walkways rather than domestic structures and had been on the seaward side of the main building.

RESOLVED: (a) That Application No DOV/14/00028 for Listed Building Consent be REFUSED on the following ground:

The proposal, if permitted, creates a domestic feature which would detract from the formal and classical character, appearance and setting of this historic building by virtue of its design and location. Consequently, it would be contrary to Objective 3.2.10 of Dover District Council's Core Strategy, the Core Principles and Section 12 of the National Planning Policy Framework, Policies WDS1, WDS2 and WDS3 of the Walmer Design Statement and Paragraphs 1 and 2 of 'Alterations and Extensions to Historic Buildings' of the Kent Design Guide.

(b) That Application No DOV/14/00027 for Planning Permission be REFUSED on the following ground:

The conservatory would create a domestic feature which, by virtue of its design and location, would detract from the character and appearance of this part of the Walmer Seafront Conservation Area. This would be contrary to Objective 3.2.10 of Dover District Council's Core Strategy, the Core Principles and Section 12 of the National Planning Policy Framework, Policies WDS1, WDS2 and WDS3 of the Walmer Design Statement and Section 1.3 of the Kent Design Guide.

(c) The conservatory should be removed and the property returned to its former state within 6 months of the date of this decision.

(Councillor N S Kenton declared an Other Significant Interest by reason of his close association with the applicant who was a District Councillor and fellow member of the Cabinet and withdrew from the meeting for the consideration of this item.)

617 APPLICATION NO DOV/13/00945 - LAND BETWEEN DEAL AND SHOLDEN, CHURCH LANE, SHOLDEN

The Committee viewed photographs and plans of the site. The Senior Planner advised that two further letters of objection had been received since the report was written, raising concerns which had been covered in the report, including flooding, drainage, mine-workings and foundations.

The Committee was advised that the application was coming forward for the determination of reserved matters following Planning Committee's approval of an outline application for 230 dwellings in 2012. The principle of development at the

site had already been established, including matters of access, the impact on the road network and drainage infrastructure. On parking and highways issues, it was reported that Officers had worked closely with the agent and Kent County Council on the parking layout which was now considered acceptable.

In response to Councillor B Gardner, Mr Smith advised that a development of this size would require a minimum of 320 resident parking spaces and 64 visitor parking spaces. Parking at the development would, in fact, exceed the minimum requirements, with 378 resident and 67 visitor parking spaces being provided, excluding garages which had not been included in the calculations.

It was confirmed that there would be no double yellow lines within the estate itself, but Stagecoach had requested double yellow line corner protection for some existing roads on the proposed bus route. The cost of the lines and the requisite Traffic Regulation Order would be met by Stagecoach through the Section 106 agreement. In response to concerns expressed by Councillor Gardner regarding access by refuse and emergency vehicles, Mr Smith advised that the 4.8-metre carriageway width of roads within the estate conformed to Kent Design Statement guidelines. The Senior Planner advised that the operation of the bus route was controlled by the Section 106 agreement as part of the outline consent.

In terms of drainage, Members were advised that historic flooding issues at the location had been caused in part by a lack of maintenance of Southwall Road dyke. The River Stour (Kent) Internal Drainage Board (IDB) had recently assumed responsibility for its maintenance and, during this period, the IDB had advised that there had been no issues with the dyke. The proposed scheme would direct surface water into the balancing pond, away from Church Lane into the dyke. Provision of £60,000 had been included in the Section 106 agreement for the purposes of maintenance.

Councillor T A Bond expressed serious concerns about the impact that the development would have on traffic movements in an area that already had serious traffic problems. The Committee's decision to approve the outline application had been based partly on there being an effective Travel Plan for the nearby development at Minter's Yard. However, it was evident that this was not working and the roads around Middle Deal Road were congested as a consequence. Moreover, the Committee should be able to re-visit the Travel Plan since changes, in the form of double yellow lines, had been made to it since the Committee had approved the outline application. Drainage arrangements also remained a concern given longstanding surface water flooding problems in Church Lane and Southwall Road. Although it was a positive development that the IDB had assumed maintenance responsibility for the Southwall Road dyke, it would be preferable to establish who was responsible for maintaining all the ditches in the vicinity of the development.

The Chairman reminded Members that the traffic infrastructure had been deemed fit for purpose at the outline application stage, and issues such as traffic generation, access and the highways impact on the wider road network could not be re-visited. The Principal Planner (Development Management) added that Members were not entitled to re-consider issues resolved at the outline stage, nor to challenge the previous decision to grant outline planning permission under this planning application.

Mr Smith clarified that Stagecoach had indicated at the outline stage that they would use a small 'Hopper' bus to service the bus route, and it was only recently that

Stagecoach (not the applicant) had requested corner protection measures in order to enable it to use larger buses. These measures would require a Traffic Regulation Order.

The Senior Planner stressed that detailed discussions had been held with the Environment Agency (EA) and the IDB who were fully aware of Members' concerns about drainage and longstanding flooding issues at the site. As a result, the capacity of the balancing pond had been increased. Both agencies recognised the importance of regular maintenance of Southwall Road dyke and this was reflected in the Section 106 agreement which placed a responsibility upon the developer to manage long-term maintenance.

In response to Councillor J A Cronk, Mr Smith advised that it might be possible to impose a 20mph speed limit within the estate, but this would be considered at the road adoption stage. The Senior Planner clarified that the applicant was proposing to provide 44 'lifetime' homes and 23 non 'lifetime' homes within the site as part of the affordable housing element, and that a total of 30% affordable housing would be provided. It was also emphasised that the applicant had complied with EA and IDB drainage capacity requirements. Both agencies now regarded the proposals as satisfactory, and it would be unreasonable to impose further requirements in relation to the pond being breached.

Councillor Gardner commented that landscaping could help to alleviate flooding problems but the current proposals were inadequate. In his view, car parking provision was also insufficient. He recommended that the application should be refused on the grounds that the roads were too narrow for emergency vehicles and flooding prevention measures and landscaping were inadequate.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/13/00945 be DEFERRED on the following grounds:

- (a) To clarify acceptability of drainage (having regard to landscaping provision) and long-term management of the same;
- (b) To clarify matters relating to the internal road layout.

(Councillor N S Kenton resumed chairmanship of the meeting at the commencement of this item.)

618 APPLICATION NO DOV/14/00023 - LYDDEN RACE CIRCUIT, WOOTTON

The Senior Planner advised Members that the applicant had the previous day submitted a request to amend the section 73 application (copies of which had been circulated). It was now proposed that racing on Sunday, 20 April would take place from 09.00am to 4.00pm instead of 09.00am to 5.00pm. The request for additional hours on Sunday, 10 August had been withdrawn as this event would be held within existing hours. The variation to allow two 2-day events to be held in May and June at intervals of less than 10 clear days was still required. These events would fall on the weekends of 17/18 and 24/25 May and 22/23 and 28/29 June.

Members were advised that 38 letters of objection and 2 letters of support had been received. Letters of objection included one from the Member of Parliament for Dover who referred to the proposals' impact on litter, church services and the Area

of Outstanding Natural Beauty (AONB). The report incorrectly stated that Denton with Wootton Parish Council had no objections to the proposals. This was not the case. The Parish Council objected on several grounds and its comments were circulated at the meeting.

The Council's Environmental Protection Officer had provided further comments on the amended proposals. His view was that the level of noise that could be heard from local residential properties was becoming increasingly intrusive and extending the hours of racing would only serve to increase the disturbance to residents. It was confirmed that noise levels at the circuit were considered a statutory nuisance under the Environmental Protection Act 1990. The AONB unit had also raised objections due to the cumulative impact that the proposals would have on the tranquillity of the AONB. The Senior Planner requested that reference to the AONB Management Plan be included in the reason for refusal.

Officers had sought clarification as to whether the event on 20 April could be contained within the existing hours of operation for which permission had been given in 2012. The agent had advised that the event could not be reorganised as longer running times were required. The agent claimed that the event organiser was likely to pull out if the additional hours were not granted, but Officers had received no confirmation of this from the organiser.

Several Members expressed concerns that the application had been submitted at relatively short notice, following a number of previous applications which had been submitted retrospectively. No justification for the earlier Sunday start times had been given, and the economic case was inconclusive. Whilst there would be benefits for the District, increasing racing hours would lead to more noise disturbance for residents who should reasonably expect to be able to enjoy a level of peace and quiet on a Sunday, particularly at Bank Holiday weekends.

The Senior Planner clarified that the current proposals would not increase the 52 days of racing which had been allocated under the conditions imposed in the 2012 consent, but rather would extend the hours of use of the race circuit and alter the proximity of two-day events to one another, both of which could be viewed as an intensification of racing activity.

In summary, the Committee was advised that the proposal would result in an intensification of use that would be contrary to the objectives of Dover District Local Plan Policy AS13 which set out that any intensification of racing at Lydden Circuit would be refused. Whilst there was a willingness to help the business expand and an economic case to consider, no clear evidence had been provided by the applicant to indicate that the economic benefits outweighed the harm that would be caused to local residents and the AONB. It was also disappointing that the applicant had not submitted a more timely application, nor sought any pre-application advice from Officers.

RESOLVED: That Application No DOV/14/00023 be REFUSED on the following ground:

The proposal, due to the nature of the existing use of the site for the racing of motor vehicles and the noise that would be generated from the intensification of the existing use, together with proximity of residential dwellings to the circuit, would increase the noise levels and exacerbate the impact from the circuit to a level that would result in unacceptable harm to the residential amenity of surrounding

residents and the tranquillity of the Area of Outstanding Natural Beauty, resulting in harm to its character. The proposal is thereby contrary to Dover District Local Plan Policy AS13, the National Planning Policy Framework (particularly paragraphs 6, 8, 17, 69, 109 and 123), Planning Practice Guidance: Noise and the AONB Management Plan.

619 ADJOURNMENT OF MEETING

It was agreed to adjourn the meeting at 8.23pm for a short break. The Committee reconvened at 8.29pm.

620 APPLICATION NO DOV/14/00102 - 6 GREEN MEADOWS, EYTHORNE

Members viewed photographs of the site. The Principal Planner (Development Management) explained that the proposal involved the construction of a hardstanding for a property situated in a small cul-de-sac built between 2005 and 2010. Permitted Development Rights had been withdrawn at the time of planning permission being granted. The key consideration for Members was the construction of the hardstanding, not the vehicle that would be parked on it which was not a Planning matter. Officers had recommended approval since it was considered that the proposed hardstanding would not unduly balance the ratio of grassed area to hardstanding. It was recommended that an additional condition be added to direct run-off water to a permeable or porous area.

Some Members commented that the proposed hardstanding would appear more sympathetic if the gravel were replaced with brick/block paving similar to that used for the existing paved areas. They also raised concerns about the protection of two cherry trees. The Principal Planner referred Members to paragraph 3.6 of the report, advising that, although the replication of existing materials would be more in keeping, the use of bonded gravel was likely to achieve a softer finish and was not considered to be overly harmful. The applicant had already indicated that he could not afford to use brick/block paving.

RESOLVED: (a) That, subject to the submission of details of the landscaping/planting, Application No DOV/14/00102 be APPROVED, subject to the following conditions:

- (i) DP08;
- (ii) DP04;
- (iii) Provision be made for run-off water to be directed to a permeable or porous area within the curtilage of the dwelling;
- (iv) Materials to be red brick, in keeping with those used for existing paved areas;
- (v) Protection of two cherry trees.

- (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.

621 APPLICATION NO DOV/14/00126 - PART OF GROUND FLOOR, RED RAMBLERS, DEAL ROAD, WORTH

The Chairman advised the Committee that this item had been withdrawn from the agenda.

622 APPEALS AND INFORMAL HEARINGS

The Planning Delivery Manager advised that, of the six appeals decided in the fourth quarter of 2013, all but one had been dismissed. The Council had achieved its target of having fewer than 25% of appeals upheld.

RESOLVED: That the report be noted.

623 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 8.47 pm.