

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 21 July 2016 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher  
J S Back  
T J Bartlett  
T A Bond  
D G Cronk  
B Gardner  
D P Murphy  
A F Richardson  
P M Wallace (Minute Nos 32 to 38 only)

Officers: Principal Planner  
Principal Planner  
Planning Consultant  
Planning Consultant  
Planning Officer  
Planning Officer  
Planning Officer  
Principal Transport Development Planner (Kent County Council)  
Planning Delivery Manager  
Locum Planning Solicitor  
Trainee 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/16/00408	Mr Clive Tidmarsh	-----
DOV/16/00365	Mr John Peall Councillor M J Ovenden	-----
DOV/16/0564	Mr Paul Beamont	-----
DOV/15/01290	Mr Mark Quinn	Dr Raju Sakaria
DOV/16/00576	Mr John Peall	-----
DOV/16/00598	Councillor M J Holloway	Ms Rachel Collins

25 APOLOGIES

It was noted that there were no apologies for absence.

26 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute Members.

27 DECLARATIONS OF INTEREST

Councillor B Gardner made a Voluntary Announcement of Other Interests in respect of Agenda Item 14 (Application No DOV/16/00598 – 60 King Street, Sandwich) by

reason that he was a member of the Licensing Sub-Committee which had granted an alcohol licence for these premises.

Councillor T A Bond declared a Disclosable Pecuniary Interest in respect of Agenda Item 9 (Application No DOV/16/0564 – The Winding House, Singledge Lane, Coldred) by reason of his employment with a hotel which was also a venue used for weddings.

28 MINUTES

The Minutes of the meeting held on 16 June 2016 were approved as a correct record and signed by the Chairman.

29 ITEMS DEFERRED

The Chairman advised that Application No DOV/15/00952 (Aylesham Village Expansion) had been withdrawn by the applicant and would not, therefore, be considered at the meeting.

30 APPLICATION NO DOV/16/00408 - LAND ADJACENT TO 120 NEW STREET, ASH

The Committee was shown photographs and plans of the application site. The Planning Consultant advised Members that the site was located outside the settlement confines and had not been included as a development site within the Council's Land Allocations Local Plan (LALP). Whilst there were a number of dwellings to the west of the site, these were within the settlement confines and had a different relationship to the street scene. The proposal included the relocation of the existing access which would involve the loss of hedgerow and a planted bank. It was considered that this would have a detrimental impact on the rural character and appearance of the street scene. Furthermore, the proposed parking arrangements would not meet the minimum standards required for manoeuvring. Although there was a deficit in the district's 5-year housing land supply, the proposed development of three dwellings would make only a small contribution to this. For these reasons, and due to its elevated position, it was considered that the development would appear incongruous within its surroundings, and it was therefore recommended that the application be refused.

Councillor B W Butcher stated that he was very familiar with the application site, the elevated position of which made it unsuitable for development. The Chairman added that although the Local Planning Authority (LPA) had a 5-year housing land supply deficit, this was not a reason for disregarding its planning policies, particularly Core Strategy Policy DM15 whose purpose was to protect the countryside.

RESOLVED: That Application No DOV/16/00408 be REFUSED for the following reasons:

- (i) The site is located outside the settlement confines and, by virtue of its location, elevated position, design and form, loss of existing boundary treatment and relationship with the surrounding rural landscape and development, would result in the loss of a valuable, unspoilt rural road frontage, harming the approach to the village, and result in an obtrusive cramped form of development, incongruous in the street

scene and harmful to visual and rural amenity and the character and appearance of the surrounding area as part of the countryside. There is no overriding justification for the development which is contrary to Policies DM1 and DM15 of the Dover District Core Strategy and Paragraphs 17, 56 and 58 of the National Planning Policy Framework.

- (ii) The proposed development fails to demonstrate an acceptable access and appropriate gradient, and insufficient manoeuvring space for vehicles to the proposed parking, and would result in unacceptable development in respect of highway safety, contrary to Policies DM12 and DM13 of the Dover District Core Strategy.

31 APPLICATION NO DOV/16/00339 - GREENWOOD SLIP, SLIP LANE, ALKHAM

Members were shown photographs of the application site. The Planning Officer advised that the application sought retrospective planning permission for an outbuilding in the front garden which was to be used as a home gymnasium. It was confirmed that an outbuilding situated to the rear of the dwelling would not have required planning permission as it would have fallen within the permitted development rights of the property. The outbuilding was not dominant in the street scene and was well screened. It was understood that the applicant had erected the building in the front garden due to there being a hardstanding already in place and the steepness of the rear garden.

RESOLVED: (a) That Application No DOV/16/00339 be APPROVED subject to the following:

- (i) That an informative be attached to advise the applicant that the use of the building is for purposes ancillary to the enjoyment of the dwelling-house only.
- (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 report and as resolved by the Planning Committee.

32 APPLICATION NO DOV/16/00365 - DENE COTTAGE, MEADOW VIEW ROAD, SHEPHERDSWELL

Members were shown photographs, plans and drawings of the application site. The Planning Officer advised that the application sought permission for the erection of a detached dwelling to the south of the existing dwelling known as Dene Cottage. The need for the new dwelling was accepted, but Officers had concerns about the size, scale and height of the proposed building. Responding to comments made by one of the public speakers, the Principal Planner clarified that there was no indication in the application that this was a replacement dwelling for Dene Cottage. She also confirmed that the footprint of the proposed dwelling would be within the settlement confines, the confines line running along the boundary wall of the house. However, the areas marked as garden spaces on the plans – previously agricultural land, identified as garden land - were outside the confines.

The Chairman referred to the public speaker's comments which indicated that the existing dwelling would be demolished. If this were the case, his reservations

concerning overdevelopment of the plot would be overcome. However, demolition of Dene Cottage had not been included in the application, and it would therefore be unsafe to approve the application before the Committee on this basis. The application should be refused and a new one submitted. In response to a suggestion from Councillor Gardner, the Chairman warned against deferring the application for consultation between the applicant and Officers as further consultation would be required should the application that came back to Committee be substantively different.

Councillor Bond indicated his support for the application and proposed that it should be approved. The Chairman reminded the Committee that it had to consider the design and location of the site. Whilst he recognised that the design was catering for the applicant's son's personal needs, he was convinced it could be improved. Moreover, he remained concerned at the impact that the proposed dwelling would have on the existing bungalow. Councillor A F Richardson concurred, stating that, whilst he was sympathetic to the applicant's needs, the design of the dwelling concerned him, in particular the appearance of the roof. This aspect could be addressed if a fresh application were submitted. The Chairman advised that he had seen the e-mail exchanges between Officers and the applicant. Officers had made considerable efforts to find an acceptable solution before the application came to Committee, but the applicant had failed to respond.

Councillor Bond suggested that the impact on Dene Cottage was less of a material consideration given that the cottage was within the applicant's ownership. Councillor Butcher disagreed, adding that Members had to assess the application before them and this did not include the demolition of Dene Cottage. Further amendments were needed which should be the subject of a new application. However, he urged that discussions be progressed as quickly as possible in view of the applicant's circumstances. Councillor Gardner hoped that, should a fresh application be submitted, the applicant would review the amount of agricultural land to be taken.

Councillor Richardson accepted that there was an element of subjectivity when it came to the design of the proposed building. However, given that the application did not include demolition of Dene Cottage, the proposed development would be cramped and have an overbearing/overlooking impact on this adjoining building. It was incumbent upon the Committee to ensure that it upheld good planning standards. He did not want to be party to granting permission for a sub-standard development which could still be around in 100 years' time.

It was moved by Councillor T Bond and duly seconded that the application be APPROVED on the grounds that: (i) the site was within the village confines; (ii) the principle of the dwelling was accepted; (iii) it was considered that the dwelling was not oversized; and (iv) it was considered that the dwelling would not encroach unacceptably upon Dene Cottage.

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

Members discussed the merits of deferring the application, to allow negotiations to take place with the applicant, in order to achieve a quicker outcome. However, the Chairman stressed that substantive amendments would still require further consultation, and this route might not, therefore, necessarily be any quicker than submitting a fresh application. In any case, there were other issues aside from demolition to consider, such as encroachment into the countryside. Councillor J S Back agreed that deferral was inadvisable as there was a danger that the

Committee might still be left with an unsatisfactory design, even if its other concerns had been addressed.

It was moved by Councillor B Gardner and duly seconded that the application be REFUSED for the reasons set out in the report. On being put to the vote, the motion was CARRIED.

RESOLVED: (a) That Application No DOV/16/0000365 be REFUSED on the following grounds: (i) The proposed development, by virtue of its size, scale, bulk and design would result in an incongruous, intrusive and cramped form of development, which would cause harm to the character and appearance of the street scene, contrary to the aims of paragraphs 17, 56, 57, 61 and 64 of the National Planning Policy Framework, and out of context and character with neighbouring development and adjacent countryside contrary to the Kent Design Guide; and (ii) The proposed dwelling, by virtue of its siting, scale and fenestration arrangements would result in an overbearing, enclosing form of development to Dene Cottage which would result in an unacceptable level of overlooking and interlooking contrary to the aims and objectives of paragraphs 17, 56 and 64 of the National Planning Policy Framework and contrary to the Kent Design Guide.

(b) Informative: A reduction in the amount of agricultural land that would be included within the red line. Demolition of Dene Cottage to enable the re-siting and redesign of the proposed dwelling. Reduction in height, bulk and scale of dwelling with a more sympathetic design.

33 APPLICATION NO DOV/16/0564 - THE WINDING HOUSE, SINGLEEDGE LANE, COLDRED

The Committee was shown photographs and plans of the application site. The Planning Consultant advised that planning permission was being sought for the part change of use to hold weddings on up to 25 occasions on any day of the year between the hours of 11.00am and 12.00 midnight. Temporary permission had previously been granted in 2014. Since the report was written, details of CCTV, a noise limiter and the transport management plan had been submitted and deemed acceptable by Kent County Council and the Council's Environmental Health team.

Councillor Back supported the application, provided traffic exiting the site turned left to Coldred. The applicant had complied with all the conditions which was to be welcomed. Councillor Gardner expressed disappointment that there was not more evidence on which to base a decision. Whilst he had sympathy for the applicant, he suggested that a further temporary permission should be granted to 31 December 2020. The Committee would then have more evidence that arrangements in place to control traffic, etc were working effectively.

The Chairman and Councillor Butcher stated that they were reluctant to grant another temporary permission, the latter adding that this was not practical for the applicant who relied on bookings made many months or years in advance. The evidence from the one wedding held had proved that the arrangements worked, and the applicant had been exemplary in complying with all the conditions. Councillor T

J Bartlett concurred, pointing out that the application was supported by the parish council.

RESOLVED: (a) That Application No DOV/16/0564 be APPROVED subject to the following conditions:

- (i) Use to commence within 3 years;
- (ii) Approved plans;
- (iii) Number of days of use;
- (iv) Hours of operation;
- (v) Submission of scheme of operations;
- (vi) Details of proposed CCTV;
- (vii) Retention of parking area for wedding guest parking/vehicle turning;
- (viii) Submission of details of noise limiter;
- (ix) No use of private garden area for wedding events activities.

(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.

(Councillor T A Bond withdrew from the Chamber during consideration of this application)

34 APPLICATION NO DOV/15/00847 - 15 NORMAN STREET, DOVER

The Committee was shown photographs of the application site. The Principal Planner advised that the application sought planning permission for a change of use from a single family dwelling house to a guest house. As corrections to the report, it was clarified that it was not a retrospective application as the change of use had not occurred. It was also clarified that 'counter' in the first sentence of paragraph 3.2 of the report should read 'consider'. The application was considered acceptable in the context of the National Planning Policy Framework and was therefore recommended for approval.

Councillor Wallace indicated his support for the proposal but, as ward Member, was aware that there were drug dealers operating nearby as well as a youth rehabilitation centre in close proximity. For these reasons he sought further details on how the business would be managed. In addition, parking in Norman Street was under pressure and he suggested that hotelier parking permits could be provided.

The Principal Planner welcomed suggestions on parking. Officers would expect to see details of security access, duty staff, etc included in the Customer Management Plan. In response to a suggestion that signage should be provided to avoid

disturbance to neighbouring properties, it was clarified that any signage would need to be in keeping with the listed building.

RESOLVED: (a) That Application No DOV/15/00847 be APPROVED subject to the following conditions:

(i) Standard 3-year time condition for commencement;

(ii) Submission of a Customer Management Plan.

(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.

35 APPLICATION NO DOV/15/01290 - LAND ON THE WEST SIDE OF ALBERT ROAD, DEAL

Members were shown photographs and plans of the application site. The Principal Planner advised that the application sought outline permission for a mixed-use development. Since the report was written, a further report had been received from the Environment Agency. The condition previously requested had now been amended to require all living accommodation to be at least 2.9 metres above ordnance datum. The development would provide dwellings to meet Deal's housing needs, and was considered acceptable in all respects.

Paragraphs 3.194 and 3.195 of the LALP described the potential of the site for a mix of alternative uses, including residential. Planning permission had previously been granted for 42 industrial units and office buildings on the site. This permission had partly been implemented by the construction of seven units. The indicative density of the residential units was comparable to that of the surrounding area. A road linking Southwall Road to Albert Road, through the site, would provide unimpeded access for large vehicles. This would be constructed to a higher standard than was usual for residential developments due to funding received from the Local Enterprise Partnership.

Southern Water had confirmed that the existing drainage infrastructure could not support the new development. The applicant had developed a scheme in consultation with Southern Water. This would see 79 metres of pipe upgraded from 450 millimetres to 1,050 millimetres, as well as an attenuation tank at the Golf Road pumping station. A condition had been suggested to ensure that the drainage infrastructure would meet the needs generated by the development. This condition would read: 'No development shall take place until full details of a scheme for the provision of foul drainage for the site. These details shall include the design of all on and off-site foul sewerage infrastructure, the diameters of proposed sewerage pipes and the capacity of any on or off-site storage. These details shall also include a timetable and programme for the provision of the foul sewerage infrastructure. These details shall demonstrate that the additional foul sewerage discharge of at least 7.31/s can be accommodated within the public sewer system without increasing the risk of flooding on the site or elsewhere. The development shall be carried out in accordance with the approved details and in accordance with the approved timetable and programme'. Given that the water table was relatively close to the surface at this site, an infiltration system would be less effective. However, it was proposed that watercourses would be re-profiled and an attenuation pond

provided. With these and the other measures proposed, it was considered that surface water could be successfully managed within the development.

Councillor Gardner commented that when a previous application for the site had come to Committee, Members had raised serious concerns about the road network's ability to cope with the additional traffic that would be generated. These concerns had proved well founded since the development at Minter's Yard had stalled due to access difficulties for HGVs. He stressed that a condition should be included to ensure that the temporary access to Hutchings Yard by the railway line would be closed once the new road was opened. He also raised concerns about construction traffic which would have to leave the site via the fire station roundabout at Albert Road and then cross over the railway bridge to the Queen Street/West Street traffic lights. There were often traffic blockages in this area and he doubted that HGVs would be able to turn out of Albert Road by the fire station. Finally, he expressed concern that there would be no double yellow lines on the new road to ensure clear access for HGVs. Councillor D G Cronk agreed, adding that HGVs would definitely have problems negotiating Southwall Road without double yellow lines.

Councillor Bond commented that there were positive aspects to the proposed development, such as the building of houses near the town centre on land which was not agricultural. The town would also benefit from the convenience store, jobs and extra parking. He also welcomed the confirmation that the 450 millimetre sewerage pipe was switched on as this could help to alleviate flooding problems in Albert Road. However, he questioned how Southern Water could advise what sewerage measures were suitable when it had only been able to identify one cause for recent flooding incidents (the failure of the pumping station). Any development on this land which could increase flooding was a risk, and it was therefore imperative that the infrastructure was upgraded before development. In order for the Committee to make a sound decision, further information on sewerage was needed.

The Chairman concurred, adding that the development offered an opportunity to improve the sewerage infrastructure which would be of benefit to the local community. He sought clarification on the closure of the temporary access near the railway line, and queried what the trigger point would be for implementation of drainage works.

The Principal Planner advised that the closure of the existing access road serving Jewsons and Hutchings Yard could be conditioned. Southern Water was carrying out flow capacity tests to the pipework under Albert Road to determine the best technical solution. It was possible to condition that drainage infrastructure works (or at least the pipework under the railway line crossing) would be in place before construction commenced. In clarification for Councillor Bond, it was confirmed that Southern Water's initial recommendations had been based on a worst case scenario, and further investigations could lead to its assessment being refined. However, the applicant had already offered to implement works based on this worst case scenario. Should Southern Water confirm that implementation of its full recommendations was not necessary, there would, by default, be a benefit arising from the development. Councillors Bond and Gardner stressed that improvements to the pipe network in and around Albert Road could result in flooding further up the network, for example in Golf Road or Northwall Road. This was a matter which needed further investigation.



In response to Councillor Gardner, the Trainee Solicitor advised the Committee that, when granting outline planning permission, it would be bound by the number of units detailed. However, the Chairman advised that, if there were clear grounds on which to not approve that number when the full planning application came back to Committee, Members could refuse the application. The Committee would be within its rights to approve fewer given that the outline planning permission would be for up to 142 units.

The Principal Transport Development Planner (PTDP) welcomed the suggestion that double yellow lines be installed on the new road. These would be particularly effective outside parking laybys which KCC had recommended should be incorporated into the scheme. In respect of the fire station junction, Members were advised that, following rejection of the applicant's initial modelling, KCC was now happy with the amendments made. It was envisaged that the level of traffic would not increase significantly, particularly when the extant planning permissions were taken into account, and that there would even be a reduction in traffic using Middle Deal Road. Furthermore, it was anticipated that there would not be a large increase in the number of HGVs using the fire station junction. A routeing/signage strategy for HGVs had been required for the Minter's Yard development, and could be required before first occupation of this development.

Funding for the new link road had been secured from the Local Enterprise Partnership by KCC in recognition of the road traffic and network problems at this location. Such funding might not be available in future. The road would need to be adopted and, at that stage, KCC would consider drainage issues which would be part of a Section 278 agreement. It was likely that drainage for the new road would improve the current situation. In any case, KCC would not want to adopt the road unless a suitable and robust drainage solution was in place. The PTDP advised that loading could be prohibited by means of a Traffic Regulation Order.

It was moved by Councillor B Gardner and duly seconded that the application be REFUSED on the grounds that the proposed development would (i) increase flooding; (ii) exacerbate traffic problems at the Albert Road/London Road junction and Queen Street/West Street traffic signals; and (iii) put pressure on already stretched local educational and health services infrastructure.

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

Councillor Richardson recognised that there was a lot of concern about the site which was a complex one. However, he could not see the case for refusal at the outline stage, particularly in view of the applicant's willingness to tackle flooding problems. Moreover, a refusal was unlikely to be upheld at appeal.

It was moved by Councillor T A Bond and duly seconded that the application be DEFERRED for further information from Southern Water on the pipe network and causes for past flooding incidents.

Following comments from Councillor Back, the Chairman suggested that deferral was unlikely to achieve what the Committee wanted. It was more likely that the applicant rather than the LPA would be able to elicit more information from Southern Water. Deferral could potentially also result in the loss of the Local Enterprise Partnership funding. To recap, he reminded Members that the report stated that a 1,050 millimetre pipe would be laid under the railway line. The developer had also confirmed that this work would be done. The trigger point for this work could be conditioned by Officers, as could the size of the pipe to be used.

There being an equality of votes, the Chairman used his casting vote and the motion for deferral was LOST.

It was moved by Councillor A F Richardson and duly seconded that the application be APPROVED as per the report's recommendations, subject to the following additional conditions: (i) closure of the access from the Hutchings Timber site to Albert Road; (ii) provision of double yellow lines on the new link road; (iii) the submission of a detailed drainage strategy, including the provision of a 1,050 mm sewerage pipe on Albert Road; and (iv) traffic signage strategy. In addition, it was agreed that the Section 106 Agreement would be agreed by the Head of Regeneration and Development, in consultation with the Chairman of the Planning Committee, and reported to the Committee.

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

RESOLVED: (a) That, subject to the submission and agreement of a Section 106 Agreement to secure contributions, Application No DOV/15/01290 be APPROVED, subject to the following conditions:

- (i) Details of acoustic fencing;
- (ii) Details of plant to the retail unit;
- (iii) Restriction of delivery and opening times to retail unit;
- (iv) Details of a Dust Management Plan;
- (v) Restriction of burning on site during development;
- (vi) Details of a contaminated land assessment, together with further investigation and risk assessment, remediation, verification of remediation and ongoing monitoring, as appropriate;
- (vii) No development shall take place until full details of a scheme for the provision of foul drainage for the site have been submitted. These details shall include the design of all on and off-site foul sewerage infrastructure, the diameters of proposed pipes and the capacity of any on or off-site storage. These details shall also include a timetable and programme for the provision of the foul sewerage infrastructure. These details shall demonstrate that the additional foul sewerage discharge of at least 7.31/s can be accommodated within the public sewer system without increasing the risk of flooding on the site or elsewhere. The development shall be carried out in accordance with the approved details and in accordance with the approved timetable and programme. For the avoidance of doubt, the diameter of the new sewerage pipe under the railway line will be a minimum of 1,050 mm.
- (viii) Details of works to drains, sewers and rivers;

- (ix) No infiltration of groundwater other than that which is agreed;
- (x) Details for the long term management of surface water drainage infrastructure;
- (xi) Replacement of existing culvert between the ordinary watercourse which runs along the southern boundary of the site (behind Matthews Close) and the Southwall Sewer with an open channel;
- (xii) Details of the buffer zones around watercourses;
- (xiii) All living accommodation to be raised a minimum of 2.9 metres above Ordnance Datum, with details of existing ground levels and all finished floor levels to be submitted;
- (xiv) Details of all land raising;
- (xv) Sequential assessment of the application site;
- (xvi) Flood resistance and flood resilience measures;
- (xvii) Details of a flood warning and emergency plan, together with a timetable for its implementation;
- (xviii) Provision of a Construction Management Plan, including details of provision of parking facilities for site personnel and visitors, details of vehicle-routing and wheel-washing;
- (xix) Details of vehicle loading/unloading and turning;
- (xx) Provision of measures to prevent the discharge of surface water onto the highway;
- (xxi) Provision of off-site highway improvements;
- (xxii) Closure of access road serving Hutchings Timber adjacent to the railway crossing on Albert Road;
- (xxiii) Provision of double yellow lines on new link road;
- (xxiv) Traffic signage strategy;
- (xxv) Provision and permanent retention of the vehicle loading/unloading and turning facilities;
- (xxvi) Completion and maintenance of the access shown on the submitted plans;
- (xxvii) Details of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang

margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture;

- (xxviii) Footways, carriageways including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures to be carried out prior to first occupation;
  - (xxix) Details of cycle routes through the site and cycle parking provision;
  - (xxx) Submission of a scheme for the provision of affordable housing;
  - (xxxi) Enhancements for water voles;
  - (xxxii) Eradication of Japanese knotweed;
  - (xxxiii) Bat mitigation;
  - (xxxiv) Full details of all external lighting;
  - (xxxv) Reptile mitigation;
  - (xxxvi) Bird mitigation;
  - (xxxvii) Approval of the details of the layout, scale, landscaping and appearance;
  - (xxxviii) The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a Section 106 Agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee, in consultation with the Chairman of the Planning Committee.
- (c) That the Section 106 Agreement shall be reported to the Planning Committee.

36 APPLICATION NO DOV/16/00576 - LAND ADJACENT AND FRONTING ROSEACRE, EAST LANGDON ROAD, MARTIN

The Committee viewed photographs and plans of the application site. As an update to the report, the Principal Planner advised that there had been no response from the County Archaeologist. The application sought outline permission for the development of a site in a rural location outside the settlement confines. Both Martin and the neighbouring settlement of Martin Mill were small hamlets, with no community facilities apart from a public house each, and were served by an

infrequent bus service. The proposed dwellings would be very visible from the street and from a public footpath to the north-west. No ecological survey had been submitted, and Members were advised that planning permission could not be granted without one. Whilst it was recognised that there was a 5-year housing deficit, the development would make only a minimal contribution towards the housing supply.

Councillor Butcher, with the support of Councillor Back, proposed that the application should be deferred in order for the ecology report to be submitted and for further information regarding transport sustainability.

Councillor Wallace expressed concerns that the Committee appeared to be rubber-stamping the proposed development which was in a rural area and therefore contrary to the LPA's planning policies. Councillor Richardson shared these concerns. He would support a deferral, but emphasised that it should not be assumed that planning permission would be granted when the application came back to Committee. The site was outside the confines, on the edge of the settlement next to open countryside where it would be clearly visible. The Chairman added that specific reasons would be required to warrant approval.

RESOLVED: That, Application No DOV/16/00576 be DEFERRED pending submission of an ecology report and further information on transport sustainability.

37 EXTENSION OF MEETING

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

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

38 APPLICATION NO DOV/16/00598 - 60 KING STREET, SANDWICH

The Committee viewed photographs and plans. The Planning Consultant advised that planning permission was being sought for a change of use of the premises from retail to restaurant. It was clarified that the application had been brought to Committee at the request of Councillor M J Holloway who supported the application. As corrections to the report, Members were advised that only one local Councillor had objected to the application, and condition vi) should be changed to: 'No amplified music or any amplified sound shall be relayed in the premises'.

It was clarified that the applicants intended to serve coffee and cake in the morning, snacks at lunch-time and canapes and wine in the evening. The layout at the time of a site visit indicated that there would be 6 tables with 22 seats and some sofas/soft chairs. There would be a small retail element and the premises would close at 10.00pm. Referring to paragraph 2.16 of the report, and the previous refusal of an application for a wine bar, Members were advised that the Use Classes Order had changed since 2002. Premises could no longer move from an A3 (restaurant) to an A4 (wine bar) use without planning permission. The applicant was not seeking to use the premises as a wine bar which would have a different character and environment.

In response to Councillor Butcher, the Planning Consultant advised that the original application had sought to open on Mondays, but this had been amended and

condition (iii) of the report would therefore also need to be amended. Councillor Butcher supported the proposal, stating that the premises would shut long before the pubs closed. Councillor Richardson referred to the public speaker's comments that the premises were being marketed as a wine bar.

The Planning Consultant clarified that the principal difference between a wine bar and a restaurant was the provision of food and seating. A wine bar was principally concerned with the consumption of wine, with people often standing at tall tables. These were not proposed. In response to Councillor Gardner, Members were advised that there would be no cooking of food on the premises as this would require the installation of vents and ducting and potentially lead to cooking odours in a partly residential area. A condition had been included to this effect as a safeguard, to prevent physical changes being made to the listed building. However, the condition did not prevent the applicant from bringing hot food in from elsewhere.

RESOLVED: (a) That Application No DOV/16/00598 be APPROVED subject to the following conditions:

- (i) Commencement within 3 years;
  - (ii) Carried out in accordance with the approved drawings;
  - (iii) Hours of use to be limited to 10.00am to 10.00pm Mondays to Saturdays and until 3.00pm on Sundays;
  - (iv) The submitted customer management plan to help address concerns over activities to the front of the property to be implemented;
  - (v) No cooking of food shall take place on the premises;
  - (vi) No amplified music or any amplified sound shall be relayed in the premises.
- (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.

#### 39 APPEALS AND INFORMAL HEARINGS

The Planning Delivery Manager introduced the report, advising that the LPA had lost three out of seven appeals between April and June 2016. No costs had been awarded against the LPA. Officers would continue to monitor the situation.

RESOLVED: That the report be noted.

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

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

The meeting ended at 10.13 pm.