

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.