

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 2 November 2017 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

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

Officers: Team Leader (Development Management)
Principal Planner
Principal Planner
Senior Planner
Transport and Development Manager, East Kent (Kent County Council Highways)
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/16/01328	-----	Mr Jeff Goodsell Councillor James Back
DOV/17/00546	-----	Mr Peter Boast Councillor James Back
DOV/16/01476	-----	Mr Ron Condon
DOV/17/00280	Mr David Bedford	Mr Ben Godden Councillor Paul Carter

101 APOLOGIES

It was noted that apologies for absence had been received from Councillors D P Murphy and P M Wallace.

102 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor M R Eddy had been appointed as a substitute member for Councillor P M Wallace.

103 DECLARATIONS OF INTEREST

Councillor D G Cronk made a Voluntary Announcement of Other Interests in Agenda Item 8 (Application No DOV/16/01476 – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden) by reason that he lived at 6 Roman Close, advising that he had spoken to the Monitoring Officer who had informed him that he could participate in the debate and vote on this item.

Councillor B Gardner made a Voluntary Announcement of Other Interests in Agenda Item 8 (Application No DOV/16/01476 – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden) by reason that he was a Dover District Council trustee of the Mary Hougham Almshouses charity which was looking to buy affordable houses, potentially at this site.

Councillor T A Bond made a Voluntary Announcement of Other Interests in Agenda Item 7 (Application No DOV/17/00546 – Land south of Singledge Lane, Whitfield) by reason that he was employed by an organisation which provided management services to a hotel situated in Singledge Lane.

104 ITEMS DEFERRED

The Chairman advised that the items listed remained deferred. It was possible that Application No DOV/14/00240 (Eastry Hospital, Mill Lane, Eastry) would come to the next Planning Committee meeting.

105 APPLICATION NO DOV/16/01328 - LAND REAR OF ARCHERS COURT ROAD, WHITFIELD

The Committee was shown a map, plans and photographs of the application site. The Principal Planner advised that the application had been deferred at the April meeting for further information on surface and foul water drainage and the access road, and for the commissioning of an independent traffic survey.

As corrections/updates to the report, Members were advised that a reference in paragraph 1.4 to a 2-metre high acoustic fence should read 4 metres. Condition (8) would be amended to include a reference to boundary treatments. Whilst the applicant had indicated that they would make healthcare contributions, Officers were waiting for further advice from the health authority. Kent County Council's (KCC) Flood and Water Management team had advised that insufficient details of surface water drainage arrangements had been provided, making reference to the absence of attenuation tests. However, it would be possible to deal with this issue by attaching appropriate conditions.

The Committee was advised that the application sought outline permission for the erection of up to 28 dwellings on a site which had been designated as public open space. Vehicular access would be via a bell-mouth junction onto Archers Court Road. KCC Highways had confirmed that it was content with this arrangement. There were a number of trees on site that were the subject of a Tree Preservation Order (TPO). However, many of these were young saplings or diseased or damaged.

Addressing the issues for deferral, Members were informed that the independent traffic impact study commissioned by the Council had identified no capacity issues at the Archers Court Road/Sandwich Road junction. Following lengthy exchanges with Southern Water, they had reassessed the foul water capacity and identified a flooding problem at a nearby manhole. However, given that there were proposals to improve the drainage infrastructure within the next few years, it was considered possible to deal with this matter by condition at the outline stage.

It was clarified that Policy DM25 of the Core Strategy set out the criteria governing proposals affecting protected open space. Developments that could make good the loss of open space, could be deemed acceptable. The proposed development

would provide areas of green space and retained trees that would be managed. Moreover, the development would bring other benefits in that the proposed works would protect the Public Right of Way (PROW) and enhance the safety of this route. The final number of trees to be lost was not yet known as the landscaping details would not be dealt with until the reserved matters application was submitted. The trees in question were all category C and their removal was therefore considered acceptable. Likewise, clarification of the final route of the PROW would be addressed at the reserved matters stage.

Councillor Gardner considered the application to be premature as the route of the PROW was not yet resolved. Councillor M R Eddy questioned why the site was being developed given that it had been designated as protected open space in the Core Strategy. The site contained a number of trees and biodiversity and acted as a significant buffer between Archers Court Road and the A2. The Chairman commented that the Council was allowing the site to be developed because the loss of the protected open space would be mitigated by provision made within the development.

Councillor Bond stated that he was not convinced by Southern Water's advice. The permeability of the land in this area was an issue and he was concerned about the potential flood risk impact on Whitfield. He was also concerned about the loss of open space which would not be sufficiently mitigated by the proposed development. In response to Councillor P M Beresford, the Principal Planner advised that no development would take place until a scheme for drainage had been submitted, including a programme and timetable for its implementation which would have to be completed before first occupation. The Chairman stressed that a robust condition should be attached in order to prevent a recurrence of problems experienced with the Whitfield Phase 1 development.

In clarification, the Planning Solicitor read out the definition of public open space as described in Policy DM25. The Chairman referred to paragraph 2.15 of the report which noted the Planning Inspector's comment that the proposed development had the potential to enhance the area of public open space. In respect of the widening of the A2, the Council did not have the authority to protect the land for that purpose and, in fact, Highways England had categorically stated that it did not want the land safeguarded. Councillor Eddy argued that it was the function of the Local Planning Authority (LPA) to determine the proper use of land. He was aware that KCC Highways had submitted a substantial bidding document for the dualling of the A2. Whilst this part of the A2 was already dual carriageway, it was possible that the site might be needed. The Chairman added that the site could potentially be needed if an upgrade to the Whitfield roundabout was required.

The Chairman stated that he shared Members' concerns. The Committee would need to have confidence that what was proposed could be delivered. Conditions could be attached to ensure that a drainage scheme programme and timetable were submitted prior to commencement, and that there would be no occupancy until the scheme had been implemented. He was disappointed that attenuation tests had not been carried out. He was coming round to the view that the site was not suitable for development and would be better left as public open space.

It was moved by Councillor B Gardner and duly seconded and

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/01328 be REFUSED on the grounds that, if permitted, the development would lead to the loss of public open space, contrary to

Policy DM25 of the Council's Core Strategy, and the measures proposed by the development are not considered adequate to mitigate this loss.

106 APPLICATION NO DOV/17/00661 - SITE SOUTH OF MARLBOROUGH ROAD, DEAL

Members viewed drawings, plans and photographs of the application site which was close to St Richard's Road and designated as protected open space in the Core Strategy. The Principal Planner advised that the application was a reserved matters application for the erection of nine dwellings. The site was situated within the urban confines of Deal, and the principle of development there had already been established by the granting of outline planning permission in February 2017. The reserved matters details submitted were considered satisfactory and approval was therefore recommended.

In response to Councillor Beresford, it was confirmed that the erection of a 2-metre fence along Magness Road had been a condition of the outline planning permission. Councillor Eddy lamented the loss of public open space, and stated that he would not have voted in favour of the development at the outline stage. He raised a concern about the entrance and expressed a hope that the existing parking provision there would remain. He was also fearful that the applicant would seek to extend development to the south-west of the site in the future. Councillor Gardner raised concerns about the significant number of trees that would be lost and was also disappointed that the outline application had been granted. The Chairman reminded the Committee that the principle of development on the site had been established. Members were now only required to look at the design, layout, scale, etc. of the development.

In response to Councillor Eddy, the Principal Planner confirmed that the land at the entrance to the development belonged to the Council and it was therefore within its gift to ensure that it was retained for parking. In response to a suggestion from Councillor Bond that traffic should be routed through Magness Road, the Principal Planner advised that this matter had been determined at the outline stage, and a condition had been attached to prevent vehicular access from the development site to Magness Road. Magness Road was not considered suitable due to the conflict with traffic from the commercial site and the condition of the road. It was clarified that refuse vehicles could turn around within the site. At the request of Members, it was agreed that a condition would be added to ensure that roads within the site were built to a standard that could be adopted by KCC.

RESOLVED: (a) That Application No DOV/17/00661 be APPROVED subject to the following conditions:

- (i) Approved plans list;
- (ii) Samples of external materials;
- (iii) Retention of parking spaces;
- (iv) Construction Management Plan;
- (v) Details of external lighting;

- (vi) Landscaping scheme submitted for approval;
 - (vii) Removal of permitted development rights for extensions from Units 1-6;
 - (viii) Details of drainage and SuDS measures in accordance with the submitted details;
 - (ix) Sections through the application site and adjoining land, floor levels and thresholds.
 - (x) Internal roads to be built to a standard that is adoptable by Kent County Council.
- (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.

(On there being an equality of votes, the Chairman used his casting vote.)

107 APPLICATION NO DOV/17/00546 - LAND SOUTH OF SINGLEEDGE LANE, WHITFIELD

The Committee was shown plans, drawings and photographs of the application site which was allocated for development under the Core Strategy as part of the Whitfield Urban Expansion scheme. The Senior Planner advised that the application sought planning permission for the erection of 100 dwellings. As updates to the report, Members were advised that the PROW team had initially objected to the application due to the proposed design treatment of the footpath. However, the team had since come to an agreement with the developer. If planning permission were to be granted, a diversion order would be required. There had been one further objection received but this raised no new issues.

A previous application for 133 dwellings had been refused by the Planning Committee for the reasons set out in paragraph 1.8 of the report. The current proposal would retain a softer edge along the boundary with Singledge Lane. There would be a locally equipped play area, as well as 1.8 kilometres of walking track around the site. There would be a mix of house types, including 30 affordable homes.

Objections had been received from other developers working on the Whitfield urban extension. However, KCC Highways and Highways England had advised that the development could be accommodated. To address other highway concerns, works were proposed to formalise an existing informal one-way arrangement in Singledge Lane. In addition, there would be no left-hand turn from the site into Singledge Lane. This was designed to deter cars turning left to Coldred, etc. Some footpaths would also be provided, and the hedgerow along the lane would be retained. A surface water drainage scheme had been submitted which was acceptable to KCC. Future improvements to the foul water drainage network would be carried out by Southern Water which had raised no objections.

Councillor M J Ovenden questioned why the original plan for the Whitfield Urban Expansion, which had envisaged development being done in stages in an anti-

clockwise direction around Whitfield, was being ignored. She also thought it was inevitable that traffic would turn left into Singledge Lane, despite the road works. Until the infrastructure was in place, as envisaged by the Whitfield Urban Expansion Masterplan Supplementary Planning Document (SPD), she could not support the proposal. The Chairman also questioned why the development was coming forward out of step with the phasing programme of the Whitfield SPD and before the infrastructure was in place.

Councillor Gardner sought assurances that the pumping station was working properly and that previous problems of waste flooding would not recur. The Chairman advised that the Committee would have to rely on Southern Water's advice on this matter. In any case, what was needed was not another pumping station but a larger mains sewer. Although the needs of the development could not be accommodated by existing infrastructure, additional improvements carried out by the developer would meet this need and could be achieved by attaching appropriate conditions. The Senior Planner clarified that Southern Water had recognised that there was an issue, but had advised that this could be addressed by conditioning the submission of a scheme to deal with surface and foul water drainage. The developer would be required to submit details of the scheme, including a delivery plan and timetable, before commencement, and the scheme itself would need to be operational before occupation. Councillor Gardner doubted this would address the problem, and stated that he would not be supporting the application.

Councillor Bond stated that this site had been allocated for housing on the basis that a ring-road would be built around Whitfield which would keep traffic off the surrounding lanes. There were now no plans to build a ring-road. He queried the projected vehicle movements given that many of the households would own two or more cars and would be likely to do at least one trip to school and work each day. On drainage, Southern Water had advised on Phase 1B that it would not invest in additional infrastructure until the developments were completed.

In response, the KCC Highways Transport and Development Manager advised that, using the existing verges, Singledge Lane would be 1.5 metres at its widest part and 1.2 metres at its narrowest. Whilst there would be a loss of four on-street parking spaces, all houses in Singledge Lane had off-site parking. Parking spaces would be provided for each house in the proposed development and there would therefore be no need for residents to park on Singledge Lane. An evidence-based formula was used to calculate trip rates, based on a national database which was used by all local authorities. A variety of factors were involved in calculations, including whether the site was in an urban or village location, accessibility to public transport, etc. Evidence from across the county had also been considered, as had growth factors. It was also evident that not all households would have two or more cars, and some residents would work from home. Councillor Gardner commented that the level of public transport provision around Whitfield was not good and most residents would be reliant on the car to get around.

The Senior Planner read out parts of the section regarding the Singledge Lane site from the adopted Whitfield SPD, including the part which referred to highways access arrangements. The SPD stated that the site had the 'potential to be developed independently from the larger neighbourhood of Temple Whitfield', subject to it being demonstrated that 'its development is acceptable in highways terms.' Councillors Gardner and Bond proposed that the application should be refused on the grounds of insufficient sewage and highways infrastructure, the narrowness of Singledge Lane and the lack of pedestrian access. The Chairman warned Members that these reasons would be difficult to defend given that there

was expert advice to the contrary and the drainage issue could be controlled by condition. Councillor Gardner argued that whilst the Committee should listen to the experts' advice, it was not obliged to agree with or follow it. Councillor Eddy was concerned that the proposed development was out of step with the anti-clockwise phasing of the wider Whitfield expansion scheme. The drainage condition was unlikely to be successful because there was a fundamental problem which needed to be addressed. Together with highways concerns, he was of the view that there were defensible grounds for refusal.

The meeting was adjourned at 8.02pm for a short break and reconvened at 8.13pm.

The Planning Solicitor advised that the Planning Policy Guidance contained a section on water supply and quality and talked of timescales of work by sewage companies not fitting with development needs. It was accepted that there was a fundamental sewerage problem, and imposing a condition meant that it was a problem that had to be resolved by the developer. If not discharged, the condition could be enforced by injunction. Developers had a legal right to connect to the sewerage network and an appropriate way of controlling this was to attach a condition. This was how the Local Planning Authority (LPA) had dealt with similar matters recently in the local area. Moreover, drainage had not been one of the reasons for the refusal of the previous application. To include it as a reason for refusal now would be difficult to defend at appeal.

The Chairman reminded the Committee that the courts had ruled that developments built without adequate sewerage could be controlled by condition. The LPA was likely to be found to have acted unreasonably if drainage were to be included as a ground for refusal. The application should be refused on the grounds of phasing and the harm that would be caused to local amenity as a result of the lack of infrastructure.

It was proposed by Councillor M J Ovenden and duly seconded and

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/17/00546 be REFUSED on the grounds that the proposed development cannot be considered independently from the larger neighbourhood of Temple Whitfield due to the cumulative harmful impacts that would result from lack of infrastructure providing for traffic movements and activity and sewerage provision, contrary to Core Strategy Policy CP6, the Whitfield Urban Expansion Supplementary Planning Document and paragraph 17 of the National Planning Policy Framework.

108 APPLICATION NO DOV/16/01476 - LAND TO THE REAR OF HYTON DRIVE AND ROMAN CLOSE, CHURCH LANE, SHOLDEN

Members viewed drawings, plans and photographs of the application site which had been allocated for development under Policy LA13 of the Land Allocations Local Plan. The Senior Planner advised that the application sought planning permission for the erection of 70 dwellings. As corrections/updates to the report, Members were advised that 45 metres of a hedgerow not mentioned in the report would be lost. The hedgerow was of a poor species and removal would be conditioned to take place outside the bird breeding season. There had been a lot of exchanges with the River Stour Internal Drainage Board, following which the Board had removed its objection relating to surface water drainage, as had the KCC SuDS

team. A reference to Dover Town Council on page 75 should read Deal Town Council.

The Committee was advised that the primary issues for consideration related to drainage and highways. The proposed infiltration pond would link up to Southwall Dyke. KCC's SuDS team had requested that a condition be added requiring the submission of drainage scheme details. Part of the site lay within Flood Zone 3A which was categorised as having a flood risk of an event likely to occur once in 300 years. As a result, the Environment Agency had requested a condition on ground floor levels. The application was considered to have passed a sequential test since there was no other suitable area nearby at a lower risk. A transport assessment undertaken earlier in the year indicated that traffic movements would be within existing daily variances.

Turning to other matters, the applicant had agreed to pay all the financial contributions sought. A mixture of housing types and materials was proposed. There would be thirty dwellings per hectare and the density of the proposed scheme was therefore similar to existing development. A financial contribution to 'pump-prime' a bus service to serve Timperley Place had already been made.

Councillor Bond referred to Timperley Place, an adjoining development, where the number of houses had been reduced due to infrastructure concerns. However, it appeared that these dwellings were now being 'reinstated' by this scheme. Whilst he accepted KCC's criteria, residents would not be able to walk to a nearby school or doctor's surgery. In his opinion, car movements would inevitably be slightly higher than the 1 in 3 predicted. Cornfield Row was very narrow and the surrounding road network already congested. Given that the development would not link to an arterial road, existing traffic problems would only get worse. New sea defences had been in place when the adjoining development came forward, and that scheme had been required to put in a holding pond. He therefore questioned why this scheme was not subject to the same requirement. In his view, sea defences had very little to do with the flooding problems in this area. He queried whether Southern Water had provided advice on the flood risk to Albert Road, Matthews Close, etc, and also why the site was not at the same risk as Albert Road which was on the same level but classified as a 1 in 10 year risk. Flooding, the lack of schools and the poor road network gave him cause for concern.

Councillor D G Cronk endorsed Councillor Bond's concerns, adding that the development would almost certainly generate more than 35 two-way car movements per day. Traffic from the development, together with cars travelling to the waste site and the industrial site, would put extra pressure on the road network and worsen existing bottlenecks at upper Deal and the hospital. Like Councillor Bond, he queried why development was being allowed when the number of dwellings at a nearby development had been reduced in 2010 due to concerns about traffic and flooding. Councillor Gardner welcomed the provision of affordable housing, but disliked the fact it was not to be spread throughout the site. He agreed with the concerns raised about traffic, and considered the application to be premature given that the North Deal Study was outstanding. This part of Deal was particularly susceptible to flooding but the risk came from rainwater, not from the sea.

Councillor Eddy stated that Cornfield Row was not wide enough to serve the development and should be widened. Given that the site was on a flood plain, at the edge of the Wantsum Channel, he shared concerns about the potential flood risk. Whilst the developer's £150,000 contribution towards secondary education

was to be welcomed, this money would be used to expand a school in Sandwich. This was not providing the facilities needed to serve the local community.

The Senior Planner confirmed that the reduction in numbers at Timperley Place had arisen as a result of concerns about flooding and infrastructure. To support that development, improvements had been made to the foul water sewer. The flood risk assessment for the current development had been prepared by an expert whose advice he had to be guided by. There were already works taking place at Goodwin Academy to develop the site but, in any case, KCC had a duty to provide schooling across the district. It was confirmed that there were no proposals to link the development site to other areas. The owners of adjoining farmland had stated that they would retain access to this land, but had no intention of extending it. He advised that the affordable housing units would comprise 70% rented and 30% shared equity, serving a mixture of needs. Following a number of exchanges, the applicant had submitted full details of the drainage scheme which KCC's SuDS team had found acceptable.

The Transport and Development Manager advised that visitor parking provision at seven spaces would be in excess of KCC's standards. Whilst it was intended to widen Cornfield Row to a minimum of 4.8 metres, widening it too much might encourage speeding. Improvements would be made to Church Path and a toucan crossing installed to facilitate access to the local school. The number of dwellings proposed for the site was significantly below the 1,400 allocated in the SPD. The North Deal Study would be examining how more housing could be accommodated in the area without congesting the main arterial routes. It was estimated that there would be a total of 291 traffic movements from this and the Timperley Place development, representing a 12.7% increase over existing movements. There were a number of routes that drivers could take from the developments, thus distributing movements across several roads and junctions. Once the new road was built at Albert Road, traffic for the industrial estate and the household recycling centre would be directed away from Church Lane. Overall, the traffic impact of the new development was not considered to be severe.

In response to the Chairman, the Transport and Development Manager confirmed that it would be possible to provide further explanation as to how traffic modelling was calculated and used.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/01476 be DEFERRED for the following reasons: (i) To receive further information from Kent County Council Local Leading Flood Authority and/or Southern Water regarding the increase in flood risk to other areas such as Albert Road, Church Lane and Matthews Close if the development were permitted; (ii) To receive a presentation from Kent County Council Highways clarifying traffic flow surveys; and (iii) Should the findings of the North Deal Study be available, that these also be reported to the Committee.

109 APPLICATION NO DOV/17/00280 - FORMER KUMOR NURSERY AND 121 DOVER ROAD, SANDWICH

The Committee was shown a map, plans, drawings and photographs of the application site which was bounded to the north by agricultural fields and to the south by Sandwich Technology School. As an update to the report, the Principal Planner advised that an additional letter of objection had been received which raised issues that were already covered in the report.

The site lay outside the settlement confines and development was therefore contrary to Policies CP1 and DM1 of the Core Strategy. The scheme proposed an informal layout of houses of traditional form. Whilst the development would be visible from Woodnesborough Road, it would not be overly prominent given the distance (450 metres) involved. However, some views would be gained from Dover Road, thus detracting from the village edge character of Sandwich. There would be one main vehicular and pedestrian access onto Dover Road, together with a second pedestrian and cycle access to Dover Road. 45-metre visibility splays would be provided and the design of the access was considered to be safe. Southern Water had confirmed that it could provide a water supply to the development and access to the foul water sewer. Amended reasons for refusal were read out to the Committee.

Councillor B W Butcher commented that the site was outside urban boundaries and on arable land. A development of 67 dwellings could potentially mean 130 cars making two journeys per day. The top end of Dover Road was very narrow, with cars parked on one side. The entry/exit point to the Sandwich by-pass had been removed by KCC some years previously and was now a dead end. Congestion, particularly at school drop-off and collection times, was already bad and additional traffic would only worsen the situation. The development would have a visual impact and, in his view, the benefits of the development did not outweigh the negative aspects. In response to the Chairman, the Transport and Development Manager advised that the highways engineer would have looked at emergency access when assessing the development.

RESOLVED: (a) That Application No DOV/17/00280 be REFUSED on the grounds that the site is located outside of any urban or rural settlement confines, on non-previously developed land. The development would fail to provide a mix of housing to meet the identified needs of the district and would cause harm to the character of the area affecting, in particular, those views from the south, west and north. The development would fail to fulfil social or environmental roles, failing to improve the environmental quality of the area or to provide public benefits which outweigh the harm caused. Consequently, the development would be contrary to Dover District Core Strategy Policies CP1, CP4 and DM1 and paragraphs 17 and 64 of the National Planning Policy Framework.

110 EXTENSION OF MEETING

The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, the Committee was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That the Committee proceed with the business remaining on the agenda.

111 APPEALS AND INFORMAL HEARINGS

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

112 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 10.06 pm.