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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 17 December 2015 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: J S Back  
S F Bannister  
P M Beresford  
T A Bond  
B Gardner  
A F Richardson  
M Rose  
P M Wallace

Officers: Principal Planner  
Principal Planner  
Planning Officer  
Planning Officer  
Locum 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/15/00884	-----	Mr Andrew Edney
DOV/15/00756 & DOV/15/00757 & DOV/15/00760	Ms Lien Phung	-----
DOV/15/00327	-----	Mrs Donna Foster

## 72 APOLOGIES

It was noted that apologies for absence had been received from Councillors T J Bartlett, B W Butcher and D P Murphy.

## 73 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors P M Beresford and M Rose had been appointed as substitutes for Councillors T J Bartlett and D P Murphy respectively.

## 74 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

## 75 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised that Application No DOV/15/00882 (Former Public Conveniences, Beach Street, Deal) had been withdrawn from the agenda and would not therefore be considered.

In response to Councillor B Gardner, the Principal Planner agreed that, where a premises which was the subject of a planning application had been considered by the Regulatory Committee, reference to this should be included in the report. The Democratic Support Officer acknowledged that, due to an oversight, Members had not been informed of the application's withdrawal prior to the meeting.

76 MINUTES

The minutes of the meeting held on 19 November 2015 were approved as a correct record and signed by the Chairman.

77 ITEMS DEFERRED

The Chairman advised that Application No DOV/15/00444 (Aylesham Village Expansion) remained deferred as there was no further information available. However, it was hoped to bring a report to the January meeting. Application No DOV/15/00327 (43 Dola Avenue, Deal) was dealt with elsewhere on the agenda.

78 APPLICATION NO DOV/15/00946 - LAND REAR OF 19 ST MARY'S MEADOW, WINGHAM

The Committee was shown photographs and plans of the application site. The Planning Officer advised that planning permission had been granted in 2013 for a detached dwelling on the site. The application before Members was, in essence, an amended application seeking permission for various changes to the original, namely a painted render finish, the erection of a storm porch and the installation of a flue and Velux roof-light. Members were referred to condition iv) of the report which was a duplication of condition xv) and should therefore be deleted. In response to a query, the Principal Planner clarified that works in relation to the original application had commenced. However, the applicant had been advised that works should cease as some conditions had not yet been complied with.

RESOLVED: (a) That Application No DOV/15/00946 be APPROVED subject to the following conditions:

- (i) Timescale for commencement of development;
- (ii) A list of the approved plans;
- (iii) Landscaping scheme shall be provided prior to first occupation and thereafter maintained;
- (iv) Construction management plan;
- (v) Measure to prevent discharge of surface water onto highway;
- (vi) Samples of materials;
- (vii) Space to be laid out for parking of cars prior to first occupation;
- (viii) Driveway to be constructed of a bound material;
- (ix) Provision and maintenance of sightlines;

- (x) Obscure glazing to bathroom window;
- (xi) Velux roof-lights to be set at a minimum of 1.8 metres above finished floor level;
- (xii) Existing and proposed finished ground levels;
- (xiii) Soft and hard landscaping details;
- (xiv) No further windows shall be inserted in the roof slopes.

(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.

79 APPLICATION NO DOV/15/00884 - SITE AT THE CORNER, PARKSIDE, WOOTTON

Members viewed photographs and plans of the proposal. The Principal Planner advised that planning permission was sought for the change of use and conversion of a stable building to two holiday lets. Whilst the site was located in open countryside in an Area of Outstanding Natural Beauty (AONB), the re-use of buildings for commercial purposes was supported by Policy DM4 of the Council's Core Strategy. Conditions would ensure that occupancy was on a short-term basis and that a log-book would be maintained.

In response to concerns raised about the presence of badger setts on the site, a badger survey had been carried out which indicated that there was a disused rabbit warren rather than a sett on the land. Access to the site had been amended since the application was originally submitted, and Officers now considered that it would not have a detrimental visual impact on the AONB. This, together with the modest nature of the works, led Officers to believe that no harm would be caused and the granting of planning permission was therefore recommended.

In response to Councillor Gardner, and in respect of condition iv), the Chairman advised that the log-book system worked well, requiring visitors to give details of their permanent residence elsewhere. The Principal Planner read out the full wording of condition iv) which Councillor Gardner confirmed was sufficiently robust to reassure him on this point. The Chairman added that, given its height and size, the existing building would be unlikely to receive planning permission when considered against current planning policies. However, its conversion for tourism or commercial purposes was considered acceptable under current policies. In view of its location outside the settlement confines, any application for permanent residential use would be unlikely to receive permission.

Councillor A F Richardson commented that the district lacked good quality holiday accommodation in the countryside, and he was therefore in favour of the proposed change of use. However, he agreed that any permanent residential use would be unacceptable.

The Principal Planner clarified that the existing building had been granted planning permission in 1994 under a different suite of policies. The conditions attached to

the current application were intended to limit the use of the building to non-permanent residential use. Moreover, permitted development rights would be withdrawn in order to ensure that any change of use would require the submission of a planning application which, if received now, would be contrary to Core Strategy Policy DM4. He added that private residential use would only be permitted for sites within or adjacent to the settlement confines. Since this site was 1 kilometre from Wootton, such an application was likely to be refused.

- RESOLVED: (a) That Application No DOV/15/00884 be APPROVED subject to the following conditions:
- (i) Standard time limit;
  - (ii) Approved plans;
  - (iii) No permitted change of use from holiday let use;
  - (iv) Log-book of visitors to be kept;
  - (v) Details of hard and soft landscaping;
  - (vi) Material samples for new windows, doors and balconies;
  - (vii) Car parking, bicycle and bin store to be provided and retained.
- (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.

80 APPLICATION NOS DOV/15/00756, DOV/15/00757 AND DOV/15/00760 - 15 HIGH STREET, DOVER

Members viewed photographs and plans of the application site. The Planning Officer advised that the site was the subject of three applications which related to a Grade II-listed building occupying a prominent position opposite Dover Town Hall and within the Dover College Conservation Area (CA). The CA had a high concentration of listed buildings and whilst changes were not precluded, these had to be sensitive to the character of the area. Members were informed that the shop front next door to the application site had been changed without permission and enforcement action was being taken. Other shop fronts within the same row had been converted when different legislation applied.

The shop front which was the subject of the three applications was not considered acceptable under current legislation since the metal and glass frontage and size of signage used did not respect the proportions of the original shop front. Moreover, roller shutters had been installed which were only acceptable under Policy DM21 of the Core Strategy if a need for them could be demonstrated which was not relevant in this case. Whilst there was sympathy for the applicant who had not deliberately set out to circumvent planning rules, legislation dictated the course of action that had to be taken by Officers.

Councillor P M Beresford questioned whether anything could be done to improve the shop-front without removing it altogether. She did not object to the signage but agreed that the roller shutter should be removed. Councillor J S Back referred to the varying styles of shop front within the same row and, providing the roller shutter was removed, indicated his support for the applications.

Whilst Councillor Richardson expressed his sympathy for the applicant, he was of the view that legislation was in place to protect heritage assets and CAs, and such contraventions could not simply be ignored. He proposed that the applications be refused, with a view to Officers achieving a new design with the applicant which met the needs of the business whilst being sympathetic to the character of the building. Councillor Gardner agreed that it would be nonsensical to ignore the Council's policy on shop front design. Neighbouring shop fronts had been changed when different policies applied but would not be considered acceptable now. New businesses were to be welcomed, but the business could have operated just as well behind the original frontage.

In response to points raised by other Members, Councillor Richardson commented that the Committee should deal with the applications before them, assessing them on their merits rather than trying to modify them in order to render them acceptable. Once refused, the enforcement process should be allowed to run its course so that an acceptable solution could be reached with the applicant. This was a prominent part of Dover where mistakes had been made in the past. A good deal of work had been done by Officers to ensure that the town's few remaining heritage assets were protected. The row of shops in question retained some of its original character and this should be safeguarded.

The Planning Officer clarified that the issue was not always about the originality of the shop fronts, many of which had been modified over the years, but rather about the use of sympathetic materials, proportions, sizing and division of windows. Officers were not trying to replicate a shop frontage from the 1850s but to encourage a design which was sympathetic to the building and character of the area. The signage in this case could be changed and the font size per se was not a particular concern. However, the correct division of the window could not be achieved with steel and plate glass and a traditional design using timber was therefore the only alternative. Members were reminded that it was a criminal offence to alter a listed building without listed building consent. Moreover, as a Local Planning Authority (LPA), the Council had a statutory duty to have special regard to its heritage assets.

The Chairman advised the Committee that the only way forward was for the applications to be refused, following which Enforcement would work with the applicant to achieve a design which was acceptable to the LPA and the requirements of the business. This would then require the submission of a further planning application. The Planning Officer clarified that, as retrospective applications, it was not appropriate to seek modifications to them at this stage; they should be determined by the Committee as they stood.

**RESOLVED:** (a) That Application No DOV/15/00756 be REFUSED on the grounds that the unauthorised development causes less than substantial harm to the historic character of a Grade II-listed building and causes an incongruous and inappropriate effect upon the setting of a number of designated heritage assets and, by virtue of the design and location, would detract from the character and appearance of this part of the Dover

College Conservation Area. This would be contrary to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, DM20, DM21 and Objective 3.2.10 of Dover District Council's Core Strategy, the Core Principles and Section 12 of the National Planning Policy Framework, Statement 12.125 of the Dover District Heritage Strategy and Section 1.3 of the Kent Design Guide.

- (b) That Listed Building Consent for Application No DOV/15/00760 be REFUSED on the grounds that the unauthorised shop front, by virtue of its design, scale, bulk, massing and materials, would not represent a sympathetic addition to the listed building, but rather constitute an incongruous addition which would detract from the special historic and architectural character and appearance of the listed building to its detriment and to the detriment of the setting of other listed buildings and to the character and appearance of the Dover College Conservation Area, and would be contrary to Government guidance contained within the National Planning Policy Framework.
- (c) That Advertisement Consent for Application No DOV/15/00757 be REFUSED on the grounds that the design of the unauthorised signage, through the blurring of the lines of the historic fascia and the proportions of the lettering and signage blackboard, does not represent a sympathetic addition to a listed building or to the character and appearance of the setting of listed buildings or to the Dover College Conservation Area but rather constitutes an incongruous addition which detracts from the special historic character of this Grade II-listed building, and would be contrary to Government guidance contained within the National Planning Policy Framework and National Planning Policy Guidance.
- (d) That powers be delegated to the Head of Regeneration and Development to determine the expediency of taking any further enforcement action as may be deemed necessary.

81 APPLICATION NO DOV/15/00327 - 43 DOLA AVENUE, DEAL

The Committee was shown photographs and plans of the application site, and was reminded that the application had been deferred by the Committee at its meeting held on 19 November pending further details of surface water disposal. The proposal was for the erection of 9 chalet bungalows. Since the original application was submitted, the number of dwellings had been reduced from 10 to 9, and changes had also been made to the layout and access arrangements. There would be a single access to Dola Avenue, and a turning head and brick wall (at the boundary with Foster Way) would be provided. A raised table would be installed at the entrance to the site to reduce the speeds of vehicles entering and exiting the site. The proposal would continue the loosely linear, road-fronting pattern and density of existing development within the area, and it was recommended that planning permission be granted.

In response to concerns raised by Members about surface water drainage at the previous meeting, Officers had undertaken further consultation with the Kent County Council (KCC) Flood Team. The Committee was shown a plan which showed the locations of trial pits which had been dug to establish surface water infiltration rates, a plan showing the proposed locations of soakaways and a cross-section through a soakaway. In effect, a number of crates would be sunk into the ground to attenuate heavy rainfall. The Flood Team had advised that flooding incidents in Deal had been caused by a lack of capacity in the public sewers, and it was therefore important that there was no increase in discharge to the existing network from new developments. In this regard, the proposed drainage scheme at Dola Avenue would offer considerable storage capacity. In respect of maintenance, the applicant had advised that a management company would be established to maintain the drainage system in perpetuity.

Councillor T A Bond reiterated concerns raised previously regarding connection to the main sewer system and the prospect that a management company would be responsible for maintaining the soakaway system, an arrangement which he considered unsatisfactory. The Chairman reminded him of advice given previously, that Government guidance was that new building developments should not be connected to the main sewerage system, and it would be impossible to defend a refusal on this ground. Having seen the technical details, he was of the opinion that the proposed soakaway system would work effectively. Whilst he understood the concerns raised about the management company, it was a common way of dealing with drainage maintenance. In any case, if arrangements failed, the LPA could seek improvements from the company.

Councillor Gardner indicated that he could not support the application given that the intention was to build on land which was already susceptible to flooding. He also requested that signage be placed on the public footpath to warn users of vehicles crossing. Councillor Bannister supported the proposed soakaway scheme, arguing that the site was unlikely to flood in future since surface water would go into the underground crated storage and be dispersed into the aquifer over time.

In clarification of several matters raised, the Principal Planner advised that the site had never been allotments but had formed part of the garden of no 43. The soakaway system detailed had been proposed after the scheme had been reduced from 10 to 9 dwellings. KCC's initial response was that, in the absence of ground investigations, it had not been demonstrated that a soakaway system would be acceptable. However, it had subsequently withdrawn its objection following testing carried out by the applicant. A similar – albeit larger - soakaway system would be used for the Aylesham development, and there was no reason to believe that it would not be successful. KCC had confirmed that the proposed raised table would slow vehicles exiting and entering the site. Although the applicant had agreed to install signage to ensure safe passage for footpath users, a condition could be added to secure this.

In response to reservations raised by Councillor Richardson, the Chairman stated that there were no guarantees that the proposed soakaway system would prevent flooding in future. However, KCC had advised that it would be effective, and it was difficult for non-experts like Committee Members to conclude that a different system would work better. In response to Councillor P M Wallace who praised the scheme but was concerned that the developer would revert with changes, the Chairman advised that the Committee was obliged to consider the application before it. Conditions and a S106 agreement would be attached to any approval. The

discharge of conditions would be signed off in stages and monitored by Officers. Should irregularities come to light, these would be addressed with the developer.

RESOLVED: (a) That, subject to the submission of a Section 106 agreement to secure contributions, Application No DOV/15/00327 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Samples of materials to be used;
- (iii) Details of landscaping;
- (iv) Provision and retention of car parking;
- (v) Provision and retention of cycle parking;
- (vi) Provision and retention of access;
- (vii) Construction management plan;
- (viii) Details of the raised table;
- (ix) Provision and retention of visibility splays;
- (x) Details of surface water drainage (comprising solely SUDs);
- (xi) The first-floor windows in the north west roof slope of units 2 to 9 inclusive to have a cill height of 1.7 metres above finished floor level;
- (xii) Boundary wall to be provided to the north west boundary adjacent to Foster Way;
- (xiii) Details of, and the location for, traffic warning signage and a management and maintenance programme for the signage shall be submitted to and approved in writing by the Local Planning Authority and put in place in accordance with the approved details prior to first occupation of the development hereby permitted. The signage shall be retained and maintained in accordance with the approved details as such thereafter.

Reason: In the interests of pedestrian and highway safety.

- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions, and to agree amended drawings and a Section 106 agreement, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

82 APPEALS AND INFORMAL HEARINGS

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

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

The Chairman informed the Committee that he had authorised the use of the emergency procedure in order for Officers to undertake consultation on proposals to move a public footpath in the Market Square, Aylesham.

The Committee noted the action taken.

The meeting ended at 7.48 pm.