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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 22 June 2017 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  
P M Wallace

Officers: Team Leader (Development Management)  
Principal Planner  
Planning Consultant  
Planning Delivery Manager  
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/17/00409	Mr Steven Donnelly	-----
DOV/17/00514	Mr Nigel Brown	-----

## 20 APOLOGIES

It was noted that an apology for absence had been received from Councillor G Rapley.

## 21 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members.

## 22 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

## 23 MINUTES

The Minutes of the meeting held on 25 May 2017 were approved as a correct record and signed by the Chairman.

## 24 ITEMS DEFERRED

The Chairman advised that the three items listed (Application Nos DOV/16/00530 (Site adjacent to 5 Friends Close, Deal), DOV/16/01328 (Land rear of Archers Court Road, Whitfield) and DOV/16/01026 (Land south-west at Hammill Brickworks,

Hammill Road, Woodnesborough). In respect of the last application, Members were advised that the traffic survey was underway.

25 DOV/17/00402 - LAND TO THE SOUTH OF COOKS FARMHOUSE, WESTMARSH, ASH

The Committee viewed plans and photographs of the application site. The Senior Planner advised that an additional letter of support had been received since the report was written. This confirmed that the site had formerly been part of the adjoining Blair Court.

The application site was outside the village confines and, therefore, contrary to Core Strategy Policies DM1, DM11 and DM15. The site was also within Flood Zones 2 and 3 and, as such, at significant risk from flooding. Whilst the Environment Agency had raised no objections, it was the Local Planning Authority's (LPA) responsibility to consider that the applicant had not submitted a sequential test, the purpose of which was to demonstrate that there were no alternative sites with a lesser risk of flooding. For this reason, it was proposed to add an additional reason for refusal relating to there being insufficient information submitted by the applicant in respect of the sequential test for flooding. The Committee was requested to delegate the final wording of the reason to Officers.

Councillor B W Butcher advised that he was familiar with the site which was very picturesque. He was fully supportive of the Officer's recommendation to refuse the application.

RESOLVED: That Application No DOV/17/00402 be REFUSED on the following grounds:

- (a) That the development would, if permitted, by virtue of its location, scale and accompanying engineering works, along with the loss of the already removed hedgerow and creation of the necessary visibility splays, result in an unjustified, sporadic form of development which would be visually intrusive, detrimental and harmful to the rural character and appearance of the street scene, contrary to the aims and objectives of Core Strategy Policies DM1, DM11 and DM15, and the sustainability aims and objectives of the National Planning Policy Framework, in particular paragraphs 7 and 14.
- (b) That no information has been submitted to enable the Local Planning Authority to apply the sequential test and, in the absence of such information, the application has failed to demonstrate that the development could be located in a lower risk flood area. The recommendations in the application are therefore insufficient for the sequential test to be passed. In the absence of information to the contrary, the development, if permitted, may increase risk to human health and safety from the result of flooding and, accordingly, would be contrary to the National Planning Policy Framework, in particular paragraphs 101, 102, 103 and 104.

26 DOV/17/00409 - KENDEN, STATION ROAD, MARTIN

Members viewed plans and photographs of the application site. The Planning Consultant advised that the application sought planning permission for the erection of a front porch and side extension with rear dormer to serve as accommodation for dependant relatives. As an update, the Committee was advised that Officers proposed to add another condition to prevent sitting out on the flat roof area of the extension.

The proposed extension would come close to the flank boundary and extend past the rear of the adjoining property, The Nook. Concerns had been raised about the proposed development's impact on The Nook's windows and its proximity to The Nook's boundary and hedge. However, Officers had considered these matters and had concluded that there would be no undue harm caused to the residential amenity of The Nook, nor any undue visual impact on the property.

In response to the Chairman, the Planning Consultant advised that it was likely that other works to the application property had been carried out under permitted development rights. If the current application were granted permission, it was anticipated that the applicant would have used up the permitted development allowance of the property. Whilst it was unusual to remove permitted development rights for an existing building, it could be done if there were concerns about permitted development 'creep'. The Chairman added that concerns had been raised about overdevelopment of the site, and he would wish to see any proposals for further extensions come back to the Committee.

Following concerns raised by Members about the need to retain the hedge between the properties, the Planning Consultant advised that this could be dealt with by a landscaping condition which would prescribe the retention and maintenance of the hedge. This was preferable to a boundary treatment condition as it could also include the hard surfacing at the front of the property.

RESOLVED: a) That Application No DOV/17/00409 be APPROVED subject to the following conditions:

- (i) Standard 3-year permission;
- (ii) Approval of submitted and specified drawings;
- (iii) Requirement of materials and finishes to match;
- (iv) Requirement for obscure glazing to the window in the west-facing elevation of the extension;
- (v) Requirement for the accommodation to be ancillary and for it to revert to form part of the main house when the justification for the accommodation no longer applies.
- (vi) No balcony, railings or means of enclosure of any kind shall be erected on the flat roof area of the extension hereby permitted and the flat roof shall not be used as a sitting out area. Reason: To safeguard the amenities of the occupiers of The Nook.
- vii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)

(England) Order 2015 or any revision to this Order, no further extensions to the dwelling house shall take place under SCHEDULE 2, Part 1, Class A or Class B of the Order. Reason: To prevent an overdevelopment of the site and to safeguard the amenities of the occupiers of adjacent properties.

viii) Prior to the first occupation of the extension hereby permitted, a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority. This landscaping scheme shall show the retention of the existing hedge along the western flank boundary of the site to a height of no less than 2 metres. The approved scheme shall be implemented in full prior to the first occupation of the extension and retained as such thereafter. Should the hedge along the western flank boundary die, be removed or require replacement due to age or disease, a new hedge shall be planted along the western flank boundary, cultivated to grow to 2 metres in height and maintained as such thereafter. Reason: To safeguard the living conditions of the occupiers of The Nook.

(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.

27 DOV/17/00424 - 5 BEECH TREE AVENUE, SHOLDEN

The Committee was shown drawings, plans and photographs of the application site. The Planning Consultant advised that the application sought permission to erect a verandah to the rear elevation and the installation of a timber door to an existing carport. A similar application had been refused in January by the Committee due to its visual impact. However, applications for the installation of timber garage doors in several other properties on the estate had been granted planning permission by Officers under delegated powers. An application to install metal garage doors at 6 Beech Tree Avenue had been dismissed on appeal. Like Officers, the Inspector had been of the opinion that metal doors would not relate well to the existing design of the estate.

Councillor B Gardner stated that at the time of the original development, Kent County Council (KCC) Highways had stipulated that the carports should not be enclosed as this would ensure they were used for parking and not storage. The application before Committee did not differ in any way from the one that had been refused in January and, consequently, he could see no reason to approve it now. Councillor T A Bond agreed that the Committee was left in a difficult position in the absence of a ruling from the Inspector on timber garage doors. He had no objections to the verandah.

The Planning Consultant clarified that he had consulted KCC Highways after writing the report whose response had been that the carport was off a private driveway and some distance from the public road. Its enclosure was therefore unlikely to result in parking problems on the public road. The Chairman offered the view that he suspected that KCC Highways had predicted potential problems with parking on the

estate as a whole when it had given its original advice. However, it was now taking a view on the individual circumstances of each application and reaching a different conclusion.

In response to Councillor D G Cronk, the Planning Consultant advised that he was not aware whether the driveway in front of the carport was an adopted road. He emphasised that, even if the proposed garage was not used for parking, the proposal was unlikely to result in unacceptable parking on the highway.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/00424 be REFUSED on the grounds that the proposed garage door would be detrimental and harmful to the visual amenity of the street scene, contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraph 17.

28 DOV/17/00514 - LAND AT 43 DOLA AVENUE, DEAL

The Committee was shown drawings, plans and photographs of the application site. As updates to the report, the Team Leader (Development Management) advised that Deal Town Council objected to the proposal which it regarded as an overdevelopment of the site. It was also of the view that the brick wall must remain in place. A petition with 13 signatories had been received which supported the proposal. However, the petition also referred to a proposal to build two new houses. Further correspondence had been received from the applicant recounting the history of the application which had been circulated to Members. The applicant had also advised that the sycamore tree referred to in paragraph 2.28 of the report would be retained. Finally, as a correction to the report, Members were advised that the last sentence of paragraph 2.14 should read '...would not cause an unacceptable loss of light or sense of enclosure...'.

Members were reminded of the planning history of the site which was set out at section d) and paragraphs 1.1 to 1.4 of the report. This was a retrospective application, seeking a variation to the original planning permission given for 9 dwellings in 2015.

Councillor Gardner reported that he had visited the site and now had no concerns regarding overlooking from the remodelled rear dormer windows which were 1.7 metres above finished floor level and obscure-glazed. The Chairman commented that he still had difficulty with the windows in respect of their visual impact and perceived overlooking. However, on balance, they were acceptable. Councillor Bond clarified that he had called the application in to Committee as he did not feel it was fair to ask Officers to determine the application.

RESOLVED: (a) That Application No DOV/17/00514 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Details of landscaping;
- (iii) Provision and retention of car parking;
- (iv) Provision and retention of cycle parking;
- (v) Surface water drainage to be fully implemented;

- (vi) Visibility splays to be provided and retained;
- (vii) Raised table to be provided and retained;
- (viii) The first-floor windows in the north-west roof slope of units 2 to 9 inclusive shall have a cill height of 1.7 metres above finished floor level and shall be fitted with obscure glazing;
- (ix) Removal of permitted development rights for additions or alterations to the roof (including the provision or alteration of dormers or roof lights);
- (x) The boundary wall which has been erected to the north-west boundary of unit 9, adjacent to Foster Way, shall be 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.

29 APPEALS AND INFORMAL HEARINGS

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

30 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 7.07 pm.