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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 22 November 2018 at 6.00 pm.

Present:

Chairman: Councillor

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

Officers: Head of Regeneration and Development  
Principal Planner  
Principal Planner  
Principal Planner  
Senior Planner  
Planner  
Planner  
Planning Solicitor  
Democratic Services Manager

## 84 APOLOGIES

Apologies for absence were received from Councillors F J W Scales and P M Wallace.

## 85 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor J S Back had been appointed as substitute members for Councillor F J W Scales.

## 86 DECLARATIONS OF INTEREST

There were no declarations of interest declared by Members.

## 87 MINUTES

The minutes of the meetings held on 20 September 2018 and 25 October 2018 were approved as a correct record and signed by the Chairman.

## 88 ITEMS DEFERRED

There were no deferred items.

## 89 APPLICATION NO DOV/18/00940 - 32 KINSON WAY, WHITFIELD, DOVER

The report was introduced by the Planning Consultant and the Committee viewed drawings, plans and photographs of the application site. The application related to a variation of Condition 2 (approved drawings) of planning permission DOV/18/00687 in order to allow design changes (application under s.73).

Members were advised that the officer's recommendation was for the application to be granted as it was in accordance with Dover District Core Strategy Policy DM1 (supports development carried out within the urban confines) and National Planning Policy Framework 2018 paragraphs 7 – 14 (achieving sustainable development) and 124 – 132 (achieving well designed places).

The relevant planning history to the application was:

- DOV/06/850 which granted planning permission for residential development comprising 123 houses and 54 flats with associated garaging and car parking and infrastructure, subject to a condition which required inter alia that parking be retained as such.
- DOV/18/00687 which granted planning permission for conversion of double garage into habitable accommodation and the erection of a linked porch to connect the existing house and garage, subject to a number of conditions including a condition which required inter alia that the development be built to the approved plans and that the use of the accommodation should remain ancillary to the main house and not be used as a separate residential accommodation unit.

In response to questions from Members it was stated that garages were not considered parking spaces by Kent County Council standards and that the application would still permit 3 parking spaces on the apron when only 2 individually accessible spaces were required.

Members considered the principles of the development, the impact on residential amenity (privacy, massing, overshadowing and sunlight) and visual amenity. The [Tony Jarvis] confirmed that the link extension was 0.8 metres higher than the boundary fence with the adjacent property.

It was proposed by Councillor B Gardner that any decision to grant be conditioned to remove any further permitted development rights. However, Members were advised that as this was a s.73 application it was not possible to withdraw permitted development rights.

It was moved by Councillor J S Back, duly seconded by Councillor P M Beresford and

RESOLVED: (a) That Application DOB/18/00940 be GRANTED subject to the following conditions:

- (i) Time;
  - (ii) Compliance with plans;
  - (iii) The use of the accommodation hereby permitted shall remain ancillary to the main house and not be used as a separate residential unit of accommodation;
  - (iv) That an obscure glazed window be used for the ensuite window in the east facing elevation;
  - (v) That obscure glazing be used for the rear door; and
  - (vi) That there be no additional opening on the west facing elevation.
- (b) That powers be delegated to the Head of Regeneration and Delivery to settle any necessary issues in line with the matters

set out in the recommendation and as resolved by planning committee.

90      APPLICATION NO DOV/18/00786 - LAND TO THE SOUTH OF STABLE END, JUBILEE ROAD, WORTH

The report was introduced by the Planning Officer and the Committee viewed drawings, plans and photographs of the application site. The application related to the erection of a detached dwelling and formation of associated parking with the existing outbuildings to be demolished. Members were advised that the officer's recommendation was for the application to be granted.

The site was a largely undeveloped piece of land to the south of Stable End, Jubilee road, Worth which was outside of, but adjacent to, the confines of Worth. To the immediate south of the site were two semi-detached new-build properties under construction with an existing brick and flint wall enclosing the boundary and to the north was Stable End and its detached garage adjacent the boundary there. The west boundary faced onto open countryside with views across a protected Open Space. The site was outside of the Worth Conservation Area.

The application sought permission for the erection of a two storey, 4-bedroom detached dwelling and associated vehicle parking space. It would include the demolition of the existing derelict outbuildings on the site. A previous application was refused (DOV/18/00043) on the grounds of the impact the design would have been likely to have on the countryside and landscape and it was the view of the Planning Officer that the proposed design addressed those concerns. It was suggested that if Members wanted to secure the visual splay this could be achieved through the application of a condition.

The proposal was not considered to result in undue harm to the visual amenity, the street scene of the area, the character of the countryside or the scenic beauty of the landscape. It was the view of the Planning Officer that the application was compliant with the requirements of Policies DM15 and DM16 of the DDC Core Strategy (2010) and paragraphs 127-130 and 170-175 of the National Planning Policy Framework (2018). While the application was considered contrary to Policy DM1 of the DDC Core Strategy (2010) by reason of it being outside the settlement confines, the site was adjacent to the confines within a row of existing dwellings both within and beyond the settlement confines of Worth. It would also bring a largely derelict site back into use and it was therefore considered on balance that this was a sustainable location for this type of development.

In response to concerns raised by Councillor T A Bond that the maps provided with the report differed from the views provided by Google Earth, the Planning Officer advised that the two dwellings to the south in red on the map were under construction and nearing completion and that this was not reflected on Google Earth. In addition, the open land had not been in agricultural use in recent years.

It was moved by Councillor J S Back, duly seconded by Councillor P M Beresford and

RESOLVED: (a) That Application DOB/18/00786 be GRANTED subject to the following conditions:

- (i) 3 year time commencement;
- (ii) That it be in accordance with approved plans;

- (iii) That material samples to be submitted;
  - (iv) That remove PD for openings/extensions at first floor and roof level;
  - (v) The agreement of a construction management plan;
  - (vi) The retention of trees and hedges as shown on approved drawings;
  - (vii) That refuse/recycling facilities be provided as shown on approved drawings;
  - (viii) That cycle storage facilities be provided as shown on approved drawings;
  - (ix) That parking spaces be provided as shown on approved drawings;
  - (x) That there be no discharge of water to highway;
  - (xi) That a landscaping scheme be submitted including hard landscaping;
  - (xii) That there no obstructions over 0.9m in height within visibility splays.
- (b) That powers be delegated to the Head of Regeneration and Delivery to settle any necessary issues in line with the matters set out in the recommendation and as resolved by planning committee.

91 APPLICATION NO DOV/18/00308 - LAND REAR OF 54, 56 & 58 BLENHEIM ROAD, DEAL

The report was introduced by the Principal Planner and the Committee viewed drawings, plans and photographs of the application site. The application related to the erection of three houses. Houses A and B would be 2 bedroom semi-detached houses and House C would be a 2 bed room detached chalet bungalow. There would be 3 associated parking spaces with a further 2 spaces retained for 56 and 58 Blenheim Road. Members were advised that the officer's recommendation was for the application to be granted.

The application site was within the confines of Deal and had historically been classed as being within Flood Zone 3. It was surrounded on all sides by residential development with Beaconsfield Road to the north, Norman Tailyour House to the east, Hope Road to the south and Blenheim Road to the west. The site was within a designated conservation area which was characterised by housing development largely comprising two storey housing of varying ages and architectural styles. The site had been used as an allotment, for car parking and also a workshop. Access to the site was from Blenheim Road through a 3m wide access between 54 and 56 Blenheim Road.

The relevant planning history to the application was:

- DOV/08/01311 which was for the erection of two semi-detached town houses and was refused. A further application (DOV/09/00674) for the erection of two semi-detached dwellings was also refused.
- DOV/17/01087 which was for the erection of two detached dwellings, two self-contained flats and a detached four bay garage was withdrawn.
- DOV/16/00510 which was adjacent to the site and was for the reduction from 24 to 18 flats within Norman Tailyour House.

Councillor Gardner expressed concern over the state of general disrepair of 54 and 56 Blenheim Road and the condition of the access road. The Planning Solicitor suggested that a s.215 notice would be a more appropriate solution to address the condition of 54 and 56 Blenheim Road as the condition of these properties was not directly related to the subject of the planning application.

Members discussed concerns over the width of the access road and the potential for blocking Blenheim Road when any of the new properties received deliveries from vehicles that were too wide to enter the access road. There were also concerns over additional pressures on the scarce parking spaces in Blenheim Road for existing housing. The Principal Planner advised that Blenheim Road was a permit controlled parking area whereas the new properties would have their own dedicated parking spaces accessed via a private road. Members were advised that Kent County Council had not commented on the access road as it was an existing private access and on this basis the Principal Planner would have some concerns if Members were to use concerns over the access road as a reason for refusal should they be inclined to go against the officer's recommendation.

In respect of bin storage Members were advised that there was a proposed condition and it was considered that the bins were within a suitable distance from the road that they could be moved by residents.

Councillor Gardner expressed concern that, on balance, the development would result in the over intensification of the area given the number of new houses proposed.

It was moved by Councillor B Gardner, duly seconded by Councillor D G Cronk, and

RESOLVED: That Application DOV/18/00308 be REFUSED on the grounds that the application would result in the over intensification of the site.

92      APPLICATION NO DOV/17/00398 - 45 EYTHORNE ROAD, SHEPHERDSWELL, DOVER

The report was introduced by the Senior Planner and the Committee viewed drawings, plans and photographs of the application site. The application related to an outline application for the erection of two pairs of semi-detached dwellings, two detached dwellings and the creation of a vehicular access (existing dwelling to be demolished). Members were advised that the officer's recommendation was for the application to be granted.

Members were advised that the plans were indicative and final details would be determined at the reserved matters stage.

Councillor M J Ovenden moved, and it was duly seconded, that the application be refused due to flooding concerns arising from the misconnection of a significant number of properties to the rainfall drain rather than the sewers with the resulting instances of foul water flooding in heavy rain. Until the issue was resolved by Southern Water she felt she could not support additional housing in the area although she had no objections in principle to the application.

It was suggested by the Senior Planner that as this was an application for outline permission these concerns could be dealt with by imposing a condition which required the details of the scheme for disposal of sewage to be submitted to the Council and approved prior to the submission of reserved matters. The consensus

of opinion amongst members was that as long as this came back to the Committee it would be an acceptable approach.

Councillor M J Ovenden agreed to withdraw her proposal in light of this.

Councillor B Gardner moved to refuse the application but this was not seconded.

Councillor T A Bond moved, it was duly seconded, and

RESOLVED: (a) That Application DOV/17/00398 be GRANTED subject to the following conditions:

- (i) time outline
  - (ii) time reserved matters
  - (iii) approved plans
  - (iv) samples
  - (v) design details
  - (vi) slab levels
  - (vii) cycle and bin storage
  - (viii) parking and turning provision and retention
  - (ix) surface bound material onto the highway
  - (x) no discharge onto the highway
  - (xi) construction management plan
  - (xii) visibility splays
  - (xiii) archaeology
  - (xiv) foul and sewage disposal details
  - (xv) Hard and soft landscaping scheme with landscape implementation and timeline
  - (xvi) hedgerow & landscape protection measures
  - (xvii) surface water disposal
  - (xviii) finished surfacing to vehicle and pedestrian access routes, parking areas, kerbs
  - (xix) bat survey
  - (xx) submission of external lighting
  - (xxi) details of boundary treatment
  - (xxii) joinery details
- (b) That reserved matters relating to drainage be submitted to the Planning Committee for final approval.
- (c) That powers be delegated to the Head of Regeneration and Delivery to settle any necessary issues in line with the matters set out in the recommendation and as resolved by planning committee.

93 APPLICATION NO DOV/18/00643 - LAND ON THE WEST SIDE OF MOAT LANE, ASH

The report was introduced by the Planner and the Committee viewed drawings, plans and photographs of the application site. The application related to the erection of a two storey, four bedroom detached dwelling at land on the West Side of, Moat Lane, Ash. Members were advised that the officer's recommendation was for the application to be granted.

The application site was a triangular parcel of land sandwiched between Holly House to the west and Three Chimneys to the south. For the purposes of planning policy the site was outside of the confines of Ash (defined as a local centre in policy CP1 of the Core Strategy) and was within an area of countryside. The application site had an existing unmade access from Moat Lane. To the southwest of the site was open countryside although to the northeast and southeast there were dwellings and farmsteads.

Members discussed concerns over the accuracy of the map contained within the agenda and whether the archaeology of the site had been sufficiently investigated given the buildings marked on old maps of the site. This was considered particularly relevant given the previous uses of the site referred to by the public speakers.

Officers advised that the map in the agenda was an Ordinance Survey map provided for Members information and did not form part of the application itself.

Councillor B Gardner moved, it was duly seconded, and

RESOLVED: That Application DOV/18/00643 be DEFERRED for one month to allow for additional information to be gathered by officers on the previous usage history of the site.

94      APPLICATION NO DOV/18/00282 - THE WHITE HOUSE, 3 ST. MARGARET'S ROAD, ST. MARGARET'S BAY

The report was introduced by the Principal Planner and the Committee viewed drawings, plans and photographs of the application site. The application related to the erection of a detached dwelling, associated landscaping works, the creation of pedestrian access, and associated parking provision. Members were advised that the officer's recommendation was for the application to be granted.

The application site was located outside of the St Margaret's Bay settlement boundary, diagonally moved to the south east by a distance of approximately 10 metres and was within the St Margaret's Bay Conservation Area. The St Margaret's Bay Conservation Area was designated primarily in recognition of the low density development pattern, in which open areas of trees, grassland and other vegetation provide a verdant setting to relatively large properties occupying similarly large plots.

Members were advised that although when assessed against the adopted development plan, the proposed development would normally be considered unacceptable in principle. However, due to the Council's inability to demonstrate a five-year supply of deliverable housing land this would mean that the presumption in favour of sustainable development would apply, and under paragraph 11 of the National Planning Policy Framework (NPPF), permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The Council had also previously acknowledged in submissions to public enquiries that settlement boundaries did not carry full weight in light of the inability to demonstrate a five-year supply of deliverable housing land.

Whilst the presumption in favour of sustainable development was not applied in the determination of the application, consideration against the economic, environmental and social aspects was considered to be a pragmatic way of assessing the proposal. As the development represented a small extension to the existing built

form of St Margaret's Bay within the domestic curtilage associated with the White House, the permission of a dwelling at this location, based on the justification of its design quality, was not considered by officers to be harmful.

RESOLVED: (a) That the Application DOV/18/00282 be GRANTED subject to conditions, including:

- (i) Time
  - (ii) Drawings
  - (iii) Samples
  - (iv) Landscaping hard and soft, including means of enclosure and gates
  - (v) Details of green walls and roof
  - (vi) Low reflective glazing
  - (vii) Concealed rainwater goods
  - (viii) Incorporation of sustainable technologies
  - (ix) Full details of lighting
  - (x) Ecological mitigation and enhancement
  - (xi) Parking and turning area
  - (xii) Bicycle parking
  - (xiii) Refuse storage
  - (xiv) Tree protection
  - (xv) Arboricultural method statement
  - (xvi) Levels/sections
  - (xvii) Earthworks
  - (xviii) Small-scale development
  - (xix) PD restrictions (schedule 2, part 1, classes A, B, C, D, E, F, G)
  - (xx) Construction management plan
- (b) That powers be delegated to the Head of Regeneration and Delivery to settle any necessary issues in line with the matters set out in the recommendation and as resolved by planning committee.

(Councillor M R Eddy declared a Voluntary Announcement of Other Interest (VAOI) in respect of one of the public speakers, Mr P Cook, on the grounds that he had worked at Essex County Council at the time Mr Cook referred to.)

95      APPLICATION NO DOV/18/00592 - LAND R/O STATION ROAD, WALMER

The report was introduced by the Principal Planner and the Committee viewed drawings, plans and photographs of the application site.

The application related to an outline application for the erection of 5 detached dwellings with visitors car park and turning head (with appearance, landscaping, layout and scale reserved) at land to the rear of Station Road, Walmer CT14 7RH. The indicative drawings demonstrated that the dwellings would be laid out along the length of the site from north east to south west, with a single road providing access located alongside the south eastern boundary of the site. At the north eastern end of the site would be a car park with five spaces. Members were advised that the officer's recommendation was for the application to be granted.

Members discussed the size of the single two-way road and the width of the entry access. It was also noted that there was no turning circle at the end of the road.



There was concern expressed that the existing parking arrangements at Mayers Road were insufficient for the number of dwellings already located there.

It was moved by Councillor M R Eddy and duly seconded that the application be refused on the following grounds: (a) highways access; (b) over intensification of the site; (c) the loss of biodiversity; and (d) loss of biodiversity corridor.

The Principal Planner advised that the ecological survey had found nothing to suggest that the application would cause a detrimental impact on biodiversity and that the proposed five dwellings wouldn't necessarily impact on parking in Mayers Road. In respect of the outline application, Members were advised that it did propose a turning head and that five dwellings was less than planners would expect at a site of its size.

Members expressed concerns over the sight lines from the access point to the railway bridge, the surface of the access road and traffic turning onto it from Mayers Road.

Councillor M R Eddy agreed to withdraw his proposal in light of the comments from the Principal Planner relating to biodiversity.

Councillor M R Eddy moved, it was duly seconded

RESOLVED: That Application DOV/18/00592 be DEFERRED to allow for additional information to be gathered and further advice from Kent Highways in respect of the access road.

96      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 10.00 pm.

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

97      APPLICATION NO DOV/16/01450 - LAND ADJACENT TO FERNFIELD LANE, HAWKINGE

The report was introduced by the Principal Planner and the Committee viewed drawings, plans and photographs of the application site.

The application related to an outline application (including details of access, layout and scale) for the erection of 19 dwellings (including 6 affordable dwellings) with some matters reserved at land adjacent to Fernfield Lane, Hawkinge, CT18 7AW. The site was located on the south eastern side of Fernfield Lane and to the north west of Stombers Lane and was outside of the settlement confines. The site was currently undeveloped scrubland and occupied an area of 2.12 hectares. Members attention was drawn to the fact that although the site was within the village of Hawkinge, which was part of Folkestone and Hythe District, the site itself was just within the administrative area of Dover District Council.

The Principal Planner stated that a revised Noise Assessment had been submitted that considered the impact of noise from current operations at the adjacent waste management site. As a consequence of this, amended plans have been submitted that alter the layout of the proposed dwellings with Plots 7-11 and 14 being

amended so that the front elevations of Plots 7-11 now faced the northern boundary of the site. This enabled the private rear garden space to be sited behind the dwellings which acted as a barrier to address the noise from operations at the waste transfer site. Furthermore, there would be a condition to prevent accommodation being created in the roof space as it couldn't be mitigated to the same degree as the walls of the building. Dover District Council's Environmental Health team had stated that the proposed mitigations were acceptable in its view and although Kent County Council's Waste and Minerals section had objected to the development, no objection had been received from Kent County Council's Planning section.

Although the site was outside of the village confines, and therefore would not be in accordance with policy DM1 and DM15 of the Core Strategy, it was immediately to the north of a defined settlement. The NPPF seeks sustainable development that relates well to existing settlements and the site was discreet and self-contained. It was therefore seen as an extension to development within the village. The Principal Planner stated that the officer's recommendation was for the application to be granted.

Members welcomed the 30% affordable housing proposed in the application and debated that concerns over the potential noise from the neighbouring waste transfer site.

It was moved by Councillor J S Back, duly seconded, and

RESOLVED: (a) That Application DOV/16/01450 be GRANTED subject to the completion of a s106 legal agreement in respect of payment of the contributions set out in the report and the following conditions to include:

- (i) Reserved Matters
- (ii) Outline time limit
- (iii) Commencement of development time limit
- (iv) Reserved matters to include elevations, floor plans, sections through the application site and adjoining land, floor levels and thresholds, building heights, samples of materials, refuse storage, boundary treatments, car parking, cycle parking and street scene
- (v) Approved Plans list
- (vi) Contamination Environmental Management Strategy
- (vii) Contamination Remediation Strategy
- (viii) Contamination verification report
- (ix) Contamination safeguarding
- (x) No infiltration drainage other than approved
- (xi) Scheme of sustainable urban drainage
- (xii) Maintenance of sustainable urban drainage system
- (xiii) Construction Management Plan
- (xiv) Bound surface for the first 5m of each private access
- (xv) Completion of the footway connection to The Street
- (xvi) Provision of the footway along the Fernfield Lane frontage
- (xvii) Details of internal roads and street furniture
- (xviii) Visibility splays
- (xix) Pedestrian visibility splays
- (xx) Implementation of noise mitigation scheme and sound insulation measures

- (xxi) Details of foul water disposal
- (xxii) Protection of trees
- (xxiii) Retention of trees
- (xxiv) Ecological enhancements measures
- (xxv) Submission of updated reptile survey
- (xxvi) Method Statement for the removal of Japanese Knotweed
- (xxvii) The height of the proposed units shall be a maximum of two storeys in height which no living accommodation within the roof space
- (xxviii) Provision of 30% affordable housing

Informatives: In relation to highways, southern water connections, waste management regulations and southern gas network requirements.

- (b) That powers be delegated to the Head of Regeneration and Delivery to settle any necessary issues in line with the matters set out in the recommendation and as resolved by planning committee.

98      APPLICATION NO DOV/18/00242 - SUMMERFIELD NURSERY, BARNSOLE ROAD, BARNSOLE, STAPLE

The report was introduced by the Head of Regeneration and Development and the Committee viewed drawings, plans and photographs of the application site.

The application related to the erection of 10 detached and 6 terraced dwellings, detached garages, the formation of a vehicle access and parking (with the existing buildings to be demolished) at Summerfield Nursery, Barnsole Road, Barnsole, Staple, CT3 1LD.

The site was outside of any settlement confines and was therefore considered to be within the countryside. It was also within the Eastry Arable and Woodland Clumps Landscape Character Area. The site was currently used as a plant nursery with an element of retail and was bounded by hedges to its northern, western and south western boundaries. The site was located within Ground Water Protection Zone 3.

The Head of Regeneration and Development identified the following issues of concern relating to the development:

- The principle of the development was contrary to policy DM1 and DM11 of the Core Strategy. It was acknowledged that the Council was unable to demonstrate a five year supply of housing land.
- The impact on the character and appearance of the area was contrary to policy DM15 and DM16 of the Core Strategy.
- The impact on the highway network
- The impact on neighbouring properties, particularly the two groups of nearby listed buildings.
- The impact on ecology
- Development Contributions and Infrastructure

Members were advised that the officer's recommendation was for the application to be refused.

The affordable housing proposals were welcomed by Members and the issue of whether it was brownfield land, as there were existing buildings on the site, was discussed. The Head of Regeneration and Development explained the definition of 'previously developed land' in the National Planning Policy Framework and advised that the majority of the site was not within the scope of this definition.

Councillor J S Back moved, and it was duly seconded

RESOLVED: That Application DOV/18/002242 be GRANTED on the grounds that the Committee considers that Development Plan Policies CP1, DM1 and DM11 are not consistent with the National Planning Policy Framework and, when combined with the Council's current inability to be able to demonstrate a five year supply of housing land, should be given less weight than that ascribed in the Officer's report. The Committee considers that the application's attributes, in particular: its proximity to local services in both Barnsole and Staple, the provision of 40% affordable housing and the Committee's assessment that any visual impact of the scheme would be very localised and sufficiently mitigated by the proposed replacement indigenous hedgerow planting are material considerations that justify a departure from the Development Plan.

99 FEES AND CHARGES 2019/20

The Head of Regeneration and Development presented the Fees and Charges 2019/20 report.

Members discussed the proposed charges and revenue implications.

RESOLVED: That the Council's fees and charges as set out in Appendices 5.1 and 5.3 of the report and the national planning fees as set out in Appendix 5.2 be noted.

100 APPEALS AND INFORMAL HEARINGS

The Head of Regeneration and Development updated members on current appeals and informal hearings.

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

There were no items of business.

The meeting ended at 10.56 pm.