

# Public Document Pack



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29 May 2019

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 30 May 2019 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-10)

To confirm the minutes of the meeting of the Committee held on 18 April 2019.

Yours sincerely

A handwritten signature in black ink, appearing to read "N. Smith", written over a horizontal line.

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 18 April 2019 at 6.00 pm.

Present:

Chairman: Councillor B W Butcher (Vice-Chairman in the Chair)

Councillors: J S Back  
P M Beresford  
T A Bond  
D G Cronk (Minute Nos 151-159 only)  
M R Eddy  
B Gardner  
P J Hawkins  
M J Ovenden  
P M Wallace

Officers: Team Leader (Development Management)  
Principal Planner  
Principal Planner  
Principal Planner  
Planning Officer  
Planning Officer  
Planning Delivery Manager  
Solicitor to the Council  
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/19/00035	Ms Anita Sedgewick	Mr Chris Allen
DOV/19/00105	Mr John Peall	Mrs Donna Foster
DOV/18/01119	Ms Karen Dunn	-----
DOV/18/00592	Mr Robert Bray	-----

147 APOLOGIES

It was noted that an apology for absence had been received from Councillor F J W Scales.

148 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor J S Back had been appointed as a substitute member for Councillor F J W Scales.

149 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

150 MINUTES

The minutes of the meeting held on 21 March 2019 were approved as a correct record and signed by the Chairman.

151 ITEMS DEFERRED

The Chairman noted that the one deferred item was due for consideration at the meeting.

152 APPLICATION NO DOV/19/00035 - KEARSNEY ABBEY, ALKHAM ROAD, TEMPLE EWELL, DOVER

The Committee was shown drawings, plans and photographs of the application site and proposal. As an update to the report, the Planning Officer advised that an objection had been received from River Parish Council which, amongst other things, referred to the proposed sculpture being incongruous in the proposed location.

Members were advised that the proposed sculpture – a concrete cast of the Goodwin Sands at low tide - would be a permanent installation, undertaken as part of the ‘Art in the Park’ project whose aim was to support local artists in their early careers. The sculpture would be a similar height, width and depth to a street name sign and would be tucked away amidst trees and vegetation. The proposal complied with the aims and objectives of the National Planning Policy Framework (NPPF), would help to promote Kearsney Abbey as a cultural space, and would not cause harm to the character and appearance of the park or area. Approval was therefore recommended.

Councillor B Gardner expressed his dislike for the sculpture and stated that he could not approve its installation in Kearsney Abbey. Councillor P J Hawkins commented that, whilst she had no objections to the artwork itself, she did not think the subject matter was of relevance to Kearsney Abbey, and suggested that it would be better located somewhere like Deal. Councillors P M Beresford, M J Ovenden and P M Wallace agreed that Kearsney Abbey was the wrong location for the sculpture. Councillor Wallace also raised concerns about its long-term maintenance. Councillor T A Bond reminded Members that they needed to consider the proposal against planning policies, not its artistic merit. Paragraphs 7 and 127 of the NPPF referred to proposals contributing to the achievement of sustainable development, as well as adding to the overall quality of the area. In his view, the proposal met neither of those criteria.

The Chairman reminded Members that the proposal would not cause harm in planning terms, and had merit in that it would promote the work of a local sculptor. The Committee might not like the sculpture, but it would need sounder grounds on which to refuse it. Councillor M R Eddy argued that Members needed to consider whether the sculpture was suitable for the location. Given that the sculpture would be set back amongst trees and therefore relatively unobtrusive, he failed to see that there were legitimate grounds for refusal.

The Team Leader (Development Management) advised that funding was available for art installations in Kearsney Abbey but not necessarily anywhere else. As the proposed sculpture was of a discreet size and form, Officers considered that it would not cause harm. He reminded the Committee that the NPPF had a presumption that planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweighed the benefits. It was evident from Members’ comments that this threshold was not met, such that it could be effectively defended at appeal. Referring to paragraph 127 of the NPPF, the Planning Officer added that the proposal would add to the overall quality of the park by introducing an artwork that could be enjoyed by many people who would be

encouraged to visit the park for that purpose. She went on to advise that another sculpture had been approved and was already in situ in the park.

In response to Councillor D G Cronk, the Solicitor to the Council advised that the sculpture would be treated as a corporate asset for the purposes of liability insurance.

It was moved by Councillor P M Wallace and duly seconded that Application No DOV/19/00035 be REFUSED on the grounds that the sculpture would be incongruous, out-of-keeping and detrimental to the visual amenity of the park.

On being put to the vote, the motion was CARRIED.

RESOLVED: That Application No DOV/19/00035 be REFUSED on the grounds that the proposed sculpture, by reason of its design, materials and form, would represent an incongruous feature, out-of-keeping with the character of the proposed location and detrimental to its visual amenity.

153 APPLICATION NO DOV/19/00105 - LAND ADJACENT TO 44 FOSTER WAY, DEAL

Members were shown drawings, a plan and photographs of the application site. The Planning Officer reported that, whilst further representations had been received from residents of Belvedere Gardens, these did not raise any issues that had not already been covered by the report.

The Planning Officer ran through the history of the application site which was set out in paragraph 1.4 of the report. The site had been the subject of four previous applications which had all been refused, with one being the subject of an appeal that had been dismissed. All four applications had sought planning permission for a single dwelling, the most recent being in January 2019 for a two-storey dwelling. The proposed dwelling was sited in a similar position and of a similar design and size as previous schemes. The application site acted as a transitional space between dwellings either side, and Officers considered that it would detract from the character and appearance of the street scene. Refusal was therefore recommended.

Councillor J S Back proposed that the application should be deferred following a recent lengthy representation received from the applicant by Committee members. A response from Officers had not been forthcoming and this was needed in order for Members to make an informed decision.

Councillor Hawkins referred to the fact that an earlier application for nine dwellings that related to a wider site had been approved, followed by a further application for an additional dwelling which had also been approved. The original development of nine dwellings had been an over-development in her opinion, and the additional dwelling and this proposal would simply compound this.

Councillor Gardner advised that, although he had voted against the original application for nine dwellings and thought that this piece of land should have been designated at that time as open space, he had visited the site which was large enough for a house and the application therefore had some merit. He expressed concerns that questions asked of Officers some weeks beforehand had not been

answered. It was not acceptable for Officers to expect Members to make a judgement at the meeting based on a few minutes of verbal advice.

Councillor Bond added that the applicant had not demonstrated that the previous reasons for refusal had been overcome. Furthermore, there was now an added concern regarding the demolition of the wall. That said, he was also concerned that the Committee had not received answers regarding the applicant's representations. He understood that there were frustrations on the other side and, in fairness to the applicant and to ensure robust decision-making, he considered that further information was needed to assess whether the application had overcome the previous reasons for refusal. Councillor Eddy agreed that it was important to demonstrate that the Committee had received all the information it required given that it was making a quasi-judicial decision.

The Team Leader (Development Management) advised that the case against the application was based on three refusals by the Committee, supported by Planning Inspector decisions. Whilst the report was clear and contained a robust recommendation, Members were entitled to consider a deferral. It was agreed that Councillors Back, Bond and Gardner would forward the correspondence they had received to Officers so that they could consider it, along with the applicant's e-mail of 17 April.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/19/00105 be DEFERRED for further information that addresses the issues and concerns raised by the applicant in e-mail correspondence.

154 APPLICATION NO DOV/18/01119 - PHASE 4, AYLESHAM VILLAGE EXPANSION, AYLESHAM

The Committee was shown a plan, drawings and photographs of the application site. The Principal Planner advised that the application was for reserved matters pursuant to application DOV/15/00068, and the discharge of various planning conditions relating to the same application. The Principal Planner advised that, since the publication of the report, additional comments had been received from Aylesham Parish Council regarding the site layout and affordable housing tenure. However, no new issues had been raised. The proposed development represented phase 4 of a wider development, with the layout, dwellings and density generally reflecting the Aylesham Masterplan and Design Code. It would offer 20% affordable housing. The Parish Council had requested that condition 88, which included the provision of CCTV, should not be considered as discharged. Whilst the installation of CCTV had been included in this condition, it was not standard for a residential development and it was therefore proposed that it should be dropped.

Councillor Gardner was disappointed at the amount of affordable housing proposed and the lack of larger affordable homes. He was of the view that CCTV should be provided. Councillors Hawkins and Wallace agreed that the mix of affordable homes was poor and that CCTV should be retained. Councillor M J Ovenden approved of the smaller units of affordable housing proposed as she believed that there was a lack of these in the district. She noted that Aylesham residents were very protective of their existing rights of way such as paths and alleyways. If these were to remain, CCTV would be vital to ensure people's safety.

The Principal Planner clarified that an overall mix of affordable homes had been agreed for this and the other phases. As there had been an under-delivery of one-

bed flats in phase 1B, it had been necessary to increase the number in this phase. She reiterated that the provision of CCTV was not an isolated, straightforward decision as it would need to be monitored and managed. The Parish Council had requested it, but she was unable to clarify why it had been included. The Solicitor to the Council added that there was no requirement to provide CCTV for residential developments. In response to Councillor Beresford, the Principal Planner advised that the level of visitor parking exceeded normal standards.

RESOLVED: (a) That Reserved Matters Application No DOV/18/01119 be APPROVED subject to the following conditions:

(i) The development shall be carried out in accordance with the approved plans;

(ii) Finish to footpath – details to be submitted.

(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.

155 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.06pm for a short break and reconvened at 8.14pm.

156 APPLICATION NO DOV/18/00592 - LAND REAR OF STATION ROAD, WALMER, DEAL

Members viewed an aerial view, plans and photographs of the application site. The Principal Planner advised that the application had been deferred at the November meeting for additional information and advice from Kent County Council (KCC) Highways in respect of the access road. As corrections to the report, Members were advised that condition (5) was not required as it was covered under reserved matters. Condition (10) was incorrect in that it was not an adopted highway but a private roadway. Condition (13) should refer to a private roadway rather than a public highway. Condition (16) was not necessary as the proposal was acceptable. Finally, condition (17) was not required as the emergency access was acceptable.

Since the report was published, information had been provided by local residents regarding the ownership of part of the access road in the form of an instruction from residents dating from 1978 to tarmac the road. Whilst the applicant disputed that residents owned the road, they had not provided any deeds of ownership in support of their case. Since its deferral, the application had been re-advertised twice. The Council's waste services team had indicated that refuse vehicles would be able to enter and exit the site satisfactorily. The applicant had also undertaken to tarmac the road and repair any damage caused to the road by construction vehicles. Given that KCC Highways, Kent Fire and Rescue Service and the Council's waste services team had raised no objections, approval was recommended.

Councillor Cronk referred to the photographs on display which clearly showed the presence of parked cars along, and at the end of, the access road. These would undoubtedly restrict access for HGVs. Councillor Eddy argued that KCC Highways needed to adjust its modelling to take account of these impediments. Councillor Gardner queried what evidence had been submitted to support the applicant's claim of ownership. Councillor Hawkins commented that the accesses were very narrow

and were tracks rather than roads. Exiting from the application site onto Station Road and Mayers Road was already very difficult, and the proposed development would only make things much worse.

The Principal Planner understood that emergency vehicles and the like would enter via either access road and use the proposed turning head. The applicant had submitted a certificate with the application indicating ownership of the road. The matter of ownership lay outside the planning process but, in any case, if it was proven that the residents owned the road, they could refuse access or request financial recompense. The Solicitor to the Council advised that, in these circumstances, the applicant would not be able to build if the issue of access could not be resolved with residents. He added that it would be possible to impose a Grampian condition relating to use and accessibility if Members so wished.

Councillor Back suggested that permission should be granted, subject to the imposition of parking restrictions at the end of, and opposite, the access road. Councillor Bond argued that such a condition could not be imposed as such restrictions were the subject of different legislation and would not therefore be enforceable. The development should be assessed on the basis that there would be only one access road as the ownership of the other one was in dispute. Councillor Cronk added that, as a private roadway, conditions and double yellow lines could not be imposed.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/18/00592 be REFUSED on the grounds that the proposed development, if permitted, would involve the use of the existing access lanes from the site, with junctions onto Mayers Road and Station Road. This arrangement, due to the restricted space around those junctions, resulting from a combination of narrow highway width and on-street parking, would not provide safe and suitable access to the site for all users, both in terms of restricted visibility and the physical accommodation of turning movements, particularly where access by larger vehicles, such as waste collection trucks, is required. As a consequence, the development would also detract from the amenities of the locality and the quality of life of existing residents, all of which is contrary to the aims and objectives of the National Planning Policy Framework at paragraphs 108 and 127 in particular.

157 APPLICATION NO DOV/18/00221 - 62 CASTLE STREET, DOVER

The Committee viewed drawings, plans and photographs of the application site which was within the urban confines of Dover and on the main pedestrian route into town. The Principal Planner advised that the proposed development was supported by the Council's Head of Inward Investment and the Dover District Chamber of Commerce. The site was currently vacant, and the regenerative elements of the proposal for such a prominent town centre site therefore carried significant weight. There were listed buildings to the south of the application site and notable views of Dover Castle from Castle Street. Historic England and the Council's Heritage Officer had raised concerns regarding the size of the proposed building and its impact on views towards the castle from the Market Square, with Historic England describing it as 'low level' harm.

The proposal offered limited car parking, but this was considered acceptable by KCC due to the development's highly sustainable location. There would be no

affordable housing as the applicant had indicated that this would render the development unviable. As the proposed development was located in an area with significant archaeological potential, conditions had been attached to ensure that it did not cause significant harm to archaeological remains. Whilst Officers considered that the massing of the proposed building would cause less than substantial harm, Members would need to consider whether the benefits of the development were likely to outweigh this harm.

Councillor Wallace sought assurances regarding the quality of the proposed flats, and refuse arrangements given the building's proximity to the river and various takeaway outlets. Councillor Gardner suggested that Computer Generated Imagery would have assisted Members in understanding the building's potential impact on views towards the castle. He also lamented the lack of parking and affordable housing. Councillor Eddy agreed, commenting that the view of the castle from Castle Street was impressive, and it was therefore critical for Members to understand how much of it would be obscured by the building. Whilst he appreciated that the site was badly in need of developing, the views of the castle also needed to be protected. The size and bulk of the building was too large and, in his opinion, its impact on the ancient monument at the end of the street would be unacceptable.

In response to Members' queries, the Principal Planner advised that it was proposed to provide refuse and bicycle storage in the middle of the site, at some distance from the river. There would be one designated disabled parking space on site, and a lift that would give disabled access to all floors. The flats varied from 50 to 100 square metres in size and met national space standards. It was the view of Officers that the applicant had put forward the minimum amount of development to make it viable, and it was doubtful that an alternative development could be achieved on this plot. Historic England had drawn particular attention to the impact on the view of the castle heading west. The building's upper floors would be most prominent and would affect the view of the castle's curtain wall, amongst other buildings. It was for individual Members to decide whether the benefits of the development would outweigh the 'low level' harm described by Historic England.

Councillor Bond was of the view that the impact of the development would be minimal. Of note was the presence of the modern building next door to the plot which already detracted from the character of the street. Councillor Wallace indicated that he was leaning towards approval given the shabbier nature of the Market Square end of Castle Street. Councillor Beresford referred to there being two public car parks near the site which would provide parking for residents.

It was moved by Councillor T A Bond, duly seconded and

RESOLVED: (a) That, subject to a Section 106 agreement to secure habitat mitigation, Application No DOV/18/00221 be APPROVED subject to the following conditions:

- (i) Standard time limits;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Full details of window frames and glazing bars;
- (v) Details of window reveals;



- (vi) Details of copings and window surrounds;
- (vii) Details of railings to balconies;
- (viii) Details of hard and soft landscaping;
- (ix) Provision of access, car parking and turning areas (including car turntable) prior to first occupation;
- (x) Details of areas to be used for loading and unloading in relation to the commercial units;
- (xi) Details of cycle parking;
- (xii) Details of suitable facilities for refuse storage;
- (xiii) Archaeological field evaluation;
- (ixv) Submission of post evaluation archaeological report;
- (xv) Details of foundation design;
- (xvi) Details of flood resistance and resilience measures to be incorporated;
- (xvii) Scheme for foul water drainage, including a timetable for its implementation;
- (xviii) Details of surface water drainage, including a timetable for its implementation;
- (ixx) Scheme of sound insulation between commercial and residential and between residential and residential units;
- (xx) Contaminated land assessment, together with remediation and verification as necessary;
- (xxi) Construction management plan.

(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 Planning Committee.

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

## 158 APPEALS AND INFORMAL HEARINGS

The Planning Delivery Manager introduced the report which gave details of appeals determined between December 2018 and March 2019. The appeals had all been against delegated decisions made by Officers. Referring to page 13, the Committee was advised that lessons had been learnt as a result of the awarding of minor costs against the Council in relation to the Sandwich Leisure Park appeal. Approximately a fifth of appeals had been lost which was considered relatively good. The Team Leader (Development Management) advised that the Council currently had a 5.4-year supply of housing land.

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

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 9.39 pm.