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14 August 2019

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 15 August 2019 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-11)

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

Yours sincerely

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

Chief Executive

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

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
D G Beaney
E A Biggs
J P J Burman
D G Cronk
N S Kenton
D P Murphy
H M Williams

Also present: Councillor P D Jull

Officers: Principal Planner
Principal Planner
Principal Planner
Planning Officer
Planning Officer
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/18/01168	Mr Pete Hadley	Mr James Ross
DOV/18/01169	Mr Mark Woolls	-----
DOV/15/00126	Mr Chris Barwick	Mr Paul Dumbrell
DOV/19/00440	Ms Jane Scott	-----
DOV/19/00243	-----	Mr Christopher Cooper

13 APOLOGIES

It was noted that apologies for absence had been received from Councillors T A Bond and O C de R Richardson.

14 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor N S Kenton had been appointed as a substitute member for Councillor T A Bond.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 MINUTES

The minutes of the meeting held on 20 June 2019 were approved as a correct record and signed by the Chairman.

17 APPLICATION NO DOV/18/01168 - FORMER NEWLANDS RESIDENTIAL NURSING HOME, WELLINGTON PARADE, WALMER

Members viewed drawings, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of six flats and one dwelling, with the existing building to be demolished. As an update to the report, Members were advised that three representations had been received raising concerns about an incorrectly drawn boundary (which had since been amended), the demolition of the existing building and the design of the proposed development.

Whilst the existing building in its original form was an attractive property, unsympathetic additions had subsequently been made. The property was now in a poor state of repair and could be demolished without planning permission in any case. Concerns had been raised by Officers about the design of the proposed buildings and amendments had been made so as to better reflect elements of the Walmer Design Statement. Wellington Parade had an eclectic mix of house designs and it was considered that the proposed buildings would not therefore be out of character. Conditions would include the submission of a construction management plan which would require, amongst other things, a photographic survey to record any damage caused to the path and cycle-way during construction and details of routing arrangements.

Councillor D P Murphy expressed concerns about the size and massing of the building which was not in keeping with the character of the area. The flats were unlikely to address the shortfall in low-cost housing in Deal, and he proposed that a site visit should be held. In response to concerns raised by Councillor D G Cronk about waiting lorries and the impact of construction traffic on other buildings, the Principal Planner advised that the construction management plan would require details of measures to address these issues. It was clarified that the area of land opposite the house which was currently used for informal parking was not part of the application. Councillor N S Kenton shared residents' concerns that a unique and attractive property would be lost, but pointed out that it was not listed or in a conservation area. Due to the size of the development, there was no requirement to provide affordable housing. He shared other Members' concerns about the bulk and scale of the buildings. Councillor E A Biggs was doubtful that the proposed development would generate a similar amount of traffic to the site's previous use as a nursing home. Wellington Parade had a unique vista. In his opinion the proposed development would affect the street scene and was therefore inappropriate.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/18/01168 be DEFERRED for a site visit to be held on Tuesday 13 August 2019 to enable Members to assess the impact of the proposal on the street scene, and that Councillors E A Biggs, D G Cronk, D P Murphy and R S Walkden (reserve: Councillor D G Beaney) be appointed to visit the site.

18 APPLICATION NO DOV/18/01169 - 12 KING STREET, DEAL

The Committee was shown drawings, plans and photographs of the application site. The Principal Planner advised that planning permission was sought for the demolition of the existing building and the erection of a detached dwelling. Additional representations had been received since the report was written. Deal Town Council had raised no objections. One representation had referred to the lack

of parking and concerns about the design. The Theatres' Trust had remarked upon the lack of evidence regarding the re-use of the building. It had also recommended that the building's architectural features should be recorded prior to demolition. The Principal Planner advised that the cost of converting the building would be prohibitive, and Officers were satisfied that alternative uses for the building had been fully explored.

Members were advised that the building was in a sustainable location. Such a development would normally be required to provide five units of affordable housing. However, the applicant had submitted a report which indicated that the inclusion of affordable units would render the development unviable. The applicant's report had been independently assessed by the Council's consultant who had agreed with its conclusions. That said, the scheme would provide other benefits, such as three retail units and other financial contributions.

The Principal Planner confirmed that no long-term parking spaces would be lost as a result of the demolition. In response to concerns expressed about the lack of affordable housing, the Principal Planner commented that Officers were also disappointed that no affordable housing would be provided. However, the fact was that there were increased costs involved in developing brownfield sites. The calculations to determine viability involved a complex formula and the Council's Planners were not specialists in this field. The applicant's viability report and the Council's response were available on the Council's website. The Chairman added that, in some cases, Officers did negotiate to increase the amount of affordable housing. However, in this instance, the findings of the applicant's viability report were not disputed.

RESOLVED: (a) That, subject to the completion of a Section 106 agreement in relation to development contributions as set out in the report, Application No DOV/18/01169 be APPROVED subject to the following conditions:

- (i) Standard time;
- (ii) Approved plans;
- (iii) Details of external materials;
- (iv) Larger scale details of various architectural detailing, including doors, windows and balcony details;
- (v) Details of fenestration and balconies in upper floors of western elevation to safeguard privacy;
- (vi) Details of flood resilient measures in design of building at basement and ground floor;
- (vii) Details of sound attenuation measures between flats and retail units on ground floor;
- (viii) Cycle provision before occupation;
- (ix) Refuse and recycling before occupation;

- (x) Detailed calculations of surface water disposal and ongoing maintenance;
- (xi) Development to be carried out in accordance with construction management plan;
- (xii) Archaeological watching brief;
- (xiii) Recording of original internal features of building.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to resolve any necessary planning conditions and matters connected with the proposed development contributions in accordance with issues set out in the report and as resolved by the Planning Committee.

19 APPLICATION NO DOV/19/00119 - 12 THE MARINA, DEAL

Members viewed drawings, plans and photographs of the application site. The Planning Officer advised that the existing building was a non-designated heritage asset. It was in a poor state of repair and its restoration would be prohibitive. The proposed dwelling was of a very contemporary design and would be slightly higher (approximately 2 metres overall) than the existing building. However, the top part of the building would be set back from the front.

Councillor Kenton referred to the strong objections raised by Deal Town Council which considered the proposed building out of character. He lamented the fact that the existing building, which was an attractive property, could not be saved. However, he pointed out that there was already a mix of buildings along The Marina, and he therefore believed that the proposed dwelling would not look out of place in a seaside location.

RESOLVED: (a) That Application No DOV/19/00259 be APPROVED subject to the following conditions:

- (i) 3-year time commencement;
- (ii) Approved plans;
- (iii) Materials to match samples submitted on 25 February 2019;
- (iv) The flood mitigation measures recommended in FRA shall be implemented prior to the first occupation of the dwelling hereby permitted;
- (v) Prior to the commencement of works, a scheme of archaeological works shall be submitted to and approved in writing by the Local Planning Authority;
- (vi) Windows in the north and south-facing elevations at first-floor level shall be obscure-glazed and fixed shut;

- (vii) Removal of permitted development rights for extensions or new windows at first and second-floor levels;
- (viii) Removal of permitted development rights to alter cladding or colour of south-facing elevation;
- (ix) The railings to prevent access to the rear section of the flat roof shown on the approved plans at second-floor level shall be provided prior to the first occupation of the dwelling hereby approved and retained thereafter. Access to the remainder of the flat roof shall be for maintenance purposes only;
- (x) No development shall take place until details of site drainage works for the disposal of the site's surface water, designed in accordance with the principles of sustainable urban drainage, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out before the dwelling is first occupied and the works shall be carried out and thereafter maintained in accordance with those details.

(b) That powers be delegated to the Head of Planning, 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.

20 APPLICATION NO DOV/15/00126 - OVENDEN EARTH-MOVING PLANT, WELLHEAD FARM, WINGHAM

The Committee was shown aerial views and photographs of the application site which was used to store and repair large machinery and equipment. The Planning Officer advised that the application sought retrospective planning permission for the storage of heavy plant, machinery, etc and the formation of a hardstanding on part of the site. There were no concerns regarding the impact of the proposal on the countryside or landscape. In addition, no complaints had been made to the Council's Environmental Health team regarding noise or dust. The proposal was acceptable on highway safety grounds, would help to protect groundwater within the site and approval was therefore recommended.

The Chairman commented that there was a need to balance objections from the parish council and residents with the needs of quite an important business. Members would need to consider whether the additional development – equating to a third of the site - was likely to exacerbate any problems. The Planning Officer emphasised that the use of the site was needed to provide more space for storage. A condition would be added to ensure that no additional repair work or other activity would take place outside of the storage use on the site which was the subject of this application. In response to Councillor Kenton who queried whether the routing of vehicles could be conditioned, the Planning Officer advised that routing conditions could not be added as the other parts of the overall site did not form part of the current application, and had not had routing agreements imposed at the time of the relevant permissions. An ancillary storage use did not justify the imposition of a routing condition in this instance.

RESOLVED: (a) That Application No DOV/15/00126 be APPROVED subject to the following conditions:

- (i) Development to be carried out in accordance with the approved drawings and details;
- (ii) Within two months of the date of this decision, details shall be submitted to the Local Planning Authority for its approval in writing which shall include a suitable impermeable surface and details showing how the new area of hardstanding will connect to the existing SUDs system. These approved works shall be carried out in accordance with the approved details within three months of that written approval;
- (iii) The application site shall be used only for the storage of plant and machinery associated with the occupant's use of the site. No other activity shall be carried out on the site notwithstanding the provisions of the GPDO;
- (iv) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority.

(b) That powers be delegated to the Head of Planning, 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.

Informative: Opportunity to submit amendments.

21 APPLICATION NO DOV/19/00440 - HAM BARN, UPDOWN ROAD, HAM, NORTHBOURNE

The Committee viewed a plan and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a 5-bedroom detached dwelling with a footprint of 270 square metres. The existing barn would be demolished. The application site was in close proximity to listed buildings, in a hamlet where there were no facilities. There was a single track road around the site which had neither a footpath nor lighting. The three key issues for the Committee to consider were the site's location outside any settlement confines, its unsustainability and the impact on listed buildings.

The site was a substantial distance from the nearest settlement and 1.45 kilometres from the nearest bus-stop which meant that there was no realistic alternative but to travel by car. Whilst the existing barn had a subdued appearance, the proposed dwelling was squat and poorly proportioned. The Council's Heritage Officer had raised concerns about the dwelling's impact on Ham Manor and St George's House, neighbouring listed buildings. She considered that insufficient evidence had been submitted on the likely impact of the proposed dwelling on the setting of the listed buildings. Members were advised that a similar site at Finglesham had been refused and dismissed at appeal.

Councillor J P Burman commented that the Committee had previously considered a similar application for a dwelling in a rural location. The proposal under consideration was considerably larger and would dwarf the adjacent property. In his view a detached dwelling of this scale would look very out of place. The Planning Officer emphasised that there were several factors, not just design, militating against the application, such as its impact on listed buildings, the countryside and landscape and its highly unsustainable location outside settlement confines.

Councillor Kenton pointed out that there had been no objections to the proposal which was positively supported by the owners of the listed buildings who were of the view that the existing barn was a bigger blight than a well-constructed house. The barn was tall and ugly and the proposed dwelling would be an improvement in his opinion.

RESOLVED: (a) That Application No DOV19/00440 be REFUSED on the following grounds:

- (i) The proposed development, if permitted, would result in an unjustified dwelling-house outside of any defined urban or village confines, the need for which has not been demonstrated sufficiently to override normal restraint policies. The proposal would constitute unsustainable, unjustified residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car, and would significantly and demonstrably harm the rural character and appearance of the locality contrary to policies CP1, DM1 and DM11 of the Dover District Core Strategy (2010) and paragraphs 78, 110, 127 and 170 of the National Planning Policy Framework.
- (ii) The proposal would result in an overtly domestic form of development within a rural location which would appear as an incongruous and intrusive feature, detrimental to the rural character and appearance of the countryside and the wider landscape, contrary to policies DM15 and DM16 of the Dover District Core Strategy (2010) and paragraphs 127, 130 and 170 of the National Planning Policy Framework.
- (iii) The proposal would have a detrimental impact on the setting of the Grade II*-listed St George's House. It would lead to less than substantial harm to the significance of the designated heritage asset for which no overriding justification (public benefits) has been presented, contrary to paragraphs 192, 193, 194 and 196 of the National Planning Policy Framework.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any issues set out in the recommendation and as resolved by the Planning Committee.

Members were shown an aerial view, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of 120 dwellings on a site which had been allocated for development under LA16 of the Land Allocations Local Plan. As an update to the report, two further representations had been received, including one from the British Horse Society, which raised no new issues. The site had recently been the subject of an appeal for non-determination of a previous application. This was a material consideration for the Committee.

The scheme's proposed lay-out was well-conceived and the buildings, whilst not locally distinctive, would not detract from the character of the area. ES10, a public right of way that ran through the site, would be widened and re-surfaced. Whilst it would remain open to pedestrians, cyclists and horses, vehicles would be barred. The scheme included 36 units of affordable housing which equated to 30%. Other financial contributions towards infrastructure would also be made.

A significant number of concerns had been raised by Sandwich Town Council, neighbouring parish councils and others regarding the proposal's impact on the local highway network. In respect of the previous application, the Planning Inspector had accepted the principle of the development, providing highway works were carried out. These works would comprise the following: an extension to the 30mph speed limit by approximately 120 metres; the installation of a gateway feature; the construction of two traffic islands either side of the development's entrance; double yellow lines along the bend in the road; zig-zag markings outside the primary school; and pedestrian crossings between Burch Avenue and Hazelwood Meadow.

The sole reason for the previous application being dismissed at appeal had been the lack of ecological information regarding receptor sites. This had now been submitted. The proposal complied fully with the Council's affordable housing policy and was also compliant with Community Infrastructure Levy regulations. Approval was therefore recommended.

In response to Councillor Williams, the Principal Planner clarified that KCC had only requested a financial contribution for Sir Roger Manwood's and not for Sandwich Technical College. In response to Councillor Burman who was unhappy about this, the Principal Planner advised that, without the evidence of need for other schools, the Local Planning Authority (LPA) was unable to make further requests. Likewise, no requests had been received from the Clinical Commissioning Group for enhancements to local GP surgeries. The issue of connecting the development to the Sandwich by-pass in order to address traffic concerns had been considered by the Planning Inspector who had concluded that the appropriate time to consider connection had been at the allocations stage. At that time, the LPA had not considered connection to be necessary in order to make the application acceptable. Members were reminded that the proposed highway works had gone through a detailed design and safety audit by Kent County Council (KCC) Highways which had found them acceptable. The Planning Inspector had also considered highway matters and had accepted KCC's advice which carried substantial weight in the Committee's decision-making process.

RESOLVED: (a) That, subject to a Section 106 legal agreement to secure necessary planning contributions, provision of affordable housing, reptile translocation, ecological mitigation and the provision and maintenance of play space, Application No DOV/19/00243 be **APPROVED**, subject to the following conditions:

- (i) Approved plans;
- (ii) Provision of off-site highway works;
- (iii) Construction management plan;
- (iv) Provision of measures to prevent the discharge of water onto the highway;
- (v) Provision of vehicle parking and turning areas;
- (vi) Provision of cycle parking;
- (vii) Provision of alterations to the ES10, including surface material to be used and details of bollards;
- (viii) Completion of certain works to the access roads prior to the occupation of dwellings;
- (ix) Provision of visibility splays;
- (x) Scheme for the provision of foul drainage, including an implementation timetable and verification report;
- (xi) Scheme for the provision of surface water drainage, including an implementation timetable and verification report;
- (xii) Archaeology;
- (xiii) Ecological mitigation and enhancements;
- (xiv) Identification of the exact position of the water main and details for its protection;
- (xv) Protection of existing trees and hedges to be retained;
- (xvi) Details for excavations near trees;
- (xvii) Detailed landscaping scheme, including details of replacement trees;
- (xviii) Samples of materials;
- (xix) Provision of refuse and recycling facilities.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a S106 agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.

23 APPEALS AND INFORMAL HEARINGS

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

24 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 8.09 pm.