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Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

13 December 2016

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 15 December 2016 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-9)

To confirm the Minutes of the meeting of the Committee held on 24 November 2016.

Yours sincerely

A large, stylized handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the right.

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 24 November 2016 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
A F Richardson
P M Wallace

Officers: Principal Planner
Principal Planner
Senior Planner
Planning Officer
Planning Consultant
Planning Consultant
Legal Officer
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/16/00915	Mrs Sandra Upton	Ms Annika Fraser
DOV/16/00821	Mr John Fothergill	Mr Mike Judd
DOV/16/00594	Mr Tony Doyle	Mr Andrew Gwinnett

77 APOLOGIES

It was noted that there were no apologies for absence.

78 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

79 DECLARATIONS OF INTEREST

Councillor T A Bond declared an Other Significant Interest in Application No DOV/16/00821 (The Salutation, Knight rider Street, Sandwich) by reason that he was a senior manager with two hotels in the district.

Councillor A F Richardson made a Voluntary Announcement of Other Interests in Application No DOV/16/00931 (135 Middle Street, Deal) by reason that the Planning Case Officer was a personal friend of his.

80 MINUTES

In respect of Minute No 70, Councillor B Gardner requested that the wording on condition (c) be amended to read: 'That all reserved matters applications submitted pursuant to the outline permission shall be reported to, and determined by, the Planning Committee.' This would make it clear that all reserved matters were to come back to the Committee.

Also in respect of Minute No 70, Councillor Gardner recalled that the Planning Officer had advised that all the boundary trees and shrubs outside private garden areas would be managed by a separate body and protected by conditions. He requested that the wording be amended to read: 'The Planning Officer advised that the shared management areas situated outside private gardens, and all the trees around the boundary, would be covered by conditions.' The Chairman was in favour of the amendment, but cautioned that this would need to be clarified with the Planning Officer concerned.

Subject to the above amendments, and clarification from the Planning Officer, the Minutes of the meeting held on 20 October 2016 were approved as a correct record and signed by the Chairman.

81 ITEMS DEFERRED

The Chairman advised that the two items listed remained deferred.

82 APPLICATION NO DOV/16/00915 - FORELAND, QUEENSDOWN ROAD, KINGSDOWN

The Committee viewed drawings and photographs of the application property. The Planning Consultant advised Members that the proposal sought permission for the erection of a front dormer roof extension and insertion of a side window to a single storey building which already had a rear roof extension. The road comprised a mix of single storey and chalet bungalows, with some two-storey houses further down the road.

Whilst amended plans had been submitted, it was the Consultant's view that the proposed extension would be large, obtrusive and affect the symmetry of the pair of buildings. 39 representations had been received in total, and two letters – one objecting and one supporting - had recently been circulated to Members. The letter of objection had referred to paragraphs 3.6 and 3.9 of the report, raising concerns about overlooking and interlooking. However, although there would be some overlooking into the property situated opposite, it was considered that this would not cause undue harm as there would be no views into the rear private garden area. When making its decision, the Committee would need to balance the needs of the applicant against the impact of the proposed extension, the design of which was considered unacceptable.

In response to the Chairman who requested further clarification regarding overlooking, the Consultant advised that the proposed dormer window would offer views into the side area and down to the end of the garden of the property opposite. However, the majority of the occupier's rear garden would be obscured by the house itself, and it was considered that a reasonable degree of privacy would therefore be maintained. Following this advice, several Members commented that it was their opinion that there were no valid reasons to add overlooking as an additional ground for refusal.

Councillors T A Bond and J S Back were of the view that there was not a strong enough case to refuse on design grounds. Councillor Back referred to the existence of other properties in the road with dormer extensions. The Chairman clarified that the principle of erecting a dormer in this road was not at issue, but rather the fact that the proposal did not relate well to the host property. The Planning Consultant added that the principle was accepted, but Members would need to consider whether this was an appropriate design for the property. Councillor T J Bartlett referred to paragraph 3.4 of the report which clearly stated that the proposed dormer would make the dwelling top heavy and too bulky. He proposed that the application should be refused accordingly.

RESOLVED: (a) That Application No DOV/16/00915 be REFUSED on the ground that the proposed extension, by reason of its design and appearance, would be poorly related to the existing building and would harm the character and appearance of the street scene, contrary to Paragraphs 17, 56-59, 61 and 64 of the National Planning Policy Framework.

(b) That powers be delegated to the Head of Regeneration and Development to settle any necessary wording or additional reasons for refusal in line with the recommendations and as resolved by the Planning Committee.

83 APPLICATION NO DOV/16/00821 - THE SALUTATION, KNIGHTRIDER STREET, SANDWICH

Members were shown photographs of the application site. The Planning Consultant advised that the application was partly retrospective for a change of use at The Salutation which was a Grade I-listed building with Grade II-listed outbuildings and gardens. The property had extant planning permission from 2008 for use as a wedding venue, and Officers were looking to replicate conditions imposed previously. In addition, the applicant was seeking permission to hold five other events per year which would be subject to the same conditions.

The Grade II-listed building had been in use as a café for a significant period and no alterations were proposed. This use was considered acceptable. No alterations were proposed to the exterior of the Grade I-listed building which was already being partially used as a hotel. However, it was proposed to offer dining facilities which would require the installation of a new kitchen; this would be the subject of a listed building consent application. Negotiations on flue extraction arrangements were ongoing and nearing conclusion. Parking arrangements were considered acceptable as 20 spaces would be provided on site. There was also a large public car park nearby, although it was acknowledged that this was well used.

In summary, these proposals would support the use of a listed building as a popular tourist venue in a sustainable location. There had been significant objections on the grounds of noise and disturbance, but these would be overcome by conditions controlling the use of amplified music. No more than 17 events would be held annually. Whilst there would be added demand for parking as a result of the restaurant, the Committee was reminded that many of the uses described in the report were existing uses. The Planning Consultant reassured the Committee that, should problems arise, conditions would be enforced. It was recommended that the application should be approved.

Councillor B W Butcher welcomed the proposals which would be a boon to Sandwich. However, referring to Sandwich's narrow streets, he raised concerns about large vehicles making deliveries and suggested that width and height restrictions should be brought to drivers' attention. Parking was also an issue in the town and the provision of 20 spaces within the grounds would be vital.

In response to the Chairman, it was clarified that Condition 5 should read: 'Parking of cars as per the submitted plans.' Condition 8 would require marquees to be erected the day before and dismantled the day after the event in order to ensure that they were not present on a full-time basis. Finally, Condition 6 should be amended to limit other events to 5 per year. In response to Councillor Gardner, the Planning Consultant advised that it would be difficult to refuse on parking and highway safety grounds, given that 20 spaces were to be provided and that the majority of the uses were existing. He added that Government guidance supported the use of urban areas such as Sandwich town centre for these types of facilities since they were more accessible by public transport. Finally, it was clarified that there was a statutory duty to consider the impact of a permanently erected marquee on the listed building. This had necessitated the condition being imposed.

RESOLVED: (a) That Application No DOV/16/00821 be APPROVED subject to the following conditions:

- (i) Standard Time Limit;
- (ii) The development to be carried out in accordance with the approved plans;
- (iii) Details of hard surfacing materials;
- (iv) Highways conditions;
- (v) Parking of cars as per the submitted plans;
- (vi) Condition limiting weddings to only 12 days a year and other events to 5 days a year;
- (vii) No amplified sound relayed after 6.00pm and no non-amplified sound relayed after 10.00pm;
- (viii) Limit to use of marquees;
- (ix) Customer 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 the Planning Committee.

(Councillor T A Bond withdrew from the Chamber during consideration of this application.)

Members viewed plans, drawings and photographs of the application property. The Planning Officer advised that the application sought permission for a loft conversion with two dormers and a single storey rear extension. The house was situated in the Middle Street, Deal Conservation Area but was not a listed building. The roof of the extension would project 0.3 metres above the northern boundary fence to the adjoining property, and it was considered that there would be no harm caused to the residential amenity of 137 Middle Street. No objections had been raised regarding the rear extension during consultation. However, seven letters of objection had been received in relation to the original application which had included two front dormers. These comments referred to the impact that the front dormer would have on an adjoining listed building, and the loss of symmetry between 135 and 137 Middle Street.

On the advice of Officers, amended plans had been received and, following consultation, no further objections to the amended plans had been received. The proposal now only sought one slim-line front and one rear dormer. The Council's Heritage Officer considered that the amended plans had addressed these issues and recommended approval.

RESOLVED: (a) That Application No DOV/16/00931 be APPROVED subject to the following conditions:

- (i) Commencement within 3 years;
 - (ii) Carried out in accordance with approved drawings;
 - (iii) Joinery details to be submitted;
 - (iv) No windows to be inserted in the side elevations of the ground-floor extension;
 - (v) Conservation style roof-lights to be installed.
- (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.

85 APPLICATION NO DOV/16/00594 - 180 LONDON ROAD, DEAL

Members were shown drawings and photographs of the application site which consisted of a large detached bungalow with garden and a separate parcel of land. The Senior Planner advised that amended plans had been received which removed Leylandii from the planting scheme and an upper level window in the north-west elevation of Plot 3. The parcel of land had been cleared before the application was submitted, but an ecology survey had since revealed no matters for concern. Plot 3 would be situated at the rear of the site and Plots 1 and 2 would front London Road. The existing access would be blocked up and a new shared one created. It was recommended that permitted development rights be removed for Plot 3 to prevent alterations to the roof. Due to the fact it was a classified road, Kent County Council (KCC) Highways had been consulted on the kerb build-out outside no 180 and had advised that it served no highway purpose and could therefore be removed. Finally, it was considered that cycle and bin storage – issues raised by the speaker – could be dealt with by condition.

Councillor Bond expressed concerns about the proposed development, particularly the two properties at the front which, in his view, would not be compatible with the existing street scene. Moreover, the hardstanding to the front would be unusual in this part of London Road which was characterised by carriage driveways or turning circles. Councillor Gardner expressed concerns regarding the increase in vehicle access on such a busy road. He also viewed the proposals as an overdevelopment of the site. Councillor D G Cronk also expressed reservations about the effect on the street scene, traffic and the proposed rear layout of the site and, for these reasons, was opposed to the scheme. The Chairman understood concerns and would have preferred there to be a detached property at the front of the site. However, refusal on this basis because of harm caused to the street scene would be difficult to defend given that there were two semi-detached houses further along the street.

The Senior Planner reminded the Committee that this part of London Road had a mix of dwellings, boundary treatments and driveway arrangements. Two-storey dwellings were also not uncommon. The onus would be on the applicant to demonstrate that there was safe access. It should also be remembered that this site was in an urban area. There would be an opportunity to break up the hardstanding with some soft landscaping, and this would be dealt with by condition. The access was shown as two separate accesses running adjacent to each other. Councillor Gardner commented that he would have liked to see trees and shrubs included in the front boundary treatment. The Principal Planner advised that there were a number of properties in the same road with wide access points, and the proposed design was not therefore out of keeping to such an extent that it would be defensible at appeal. It was suggested that an informative could be added calling for a landscaping plan, to include hedges, planting, etc.

Councillor Bond suggested that a site visit should be held so that Members could judge for themselves how vehicles would enter and exit the site. The Senior Planner advised that there were currently no indications as to how vehicles would turn around on the site, but soft landscaping was likely to affect this. She confirmed that, on balance, she was satisfied that the two front dwellings would be acceptable in the street scene. The Principal Planner reminded Members that KCC Highways had raised no objections, and advised that this would not have been the case had there been an indication that vehicles would have to reverse out of the site.

RESOLVED: That Application No DOV/16/00594 be DEFERRED for a site visit to be held on Tuesday, 13 December 2016 to allow Members to: (i) familiarise themselves with, and assess the impact of Plots 1 and 2 on, the street scene; and (ii) assess parking arrangements for Plots 1 and 2 and access arrangements for Plots 1, 2 and 3; and Councillors T A Bond, B Gardner, D P Murphy, A F Richardson and F J W Scales (reserve: Councillor J S Back) be appointed to visit the site.

86 APPLICATION NO DOV/16/00838 - 22, 24 AND 24A MILL HILL, DEAL

The Committee was shown plans and photographs of the application properties. The Principal Planner advised that 24 Mill Hill comprised two horizontal flats known as 24 and 24A. Planning permission was sought for the conversion of no 24 into two dwelling-houses and the erection of a two-storey rear extension. In addition, permission was sought to erect a first-floor rear conservatory to 22 Mill Hill which comprised commercial space on the ground floor with living accommodation above. The latter would be retained.

Members were reminded that the application had been withdrawn from the previous meeting due to the submission of correspondence and photographs from the applicant which Officers had been unable to review in advance of the meeting. Having reviewed this documentation, Officers considered that no new information had been provided. However, their comments were set out in the updated report to Committee. A further e-mail from the applicant dated 21 November raised no new issues.

The key consideration for Committee was the existence of a grass verge running alongside no 24 which would serve as the amenity space for the dwellings. This space was inadequate to meet the needs of one dwelling-house, let alone two, and the applicant was proposing to leave it open. Not only would this mean that future occupants of the dwellings were left without private amenity space, it would also cause harm to the street scene due to the loss of the green space and the domestic paraphernalia that would be readily visible. Even if it were enclosed, the amenity space was considered insufficient when measured against the requirements of the National Planning Policy Framework. Public amenity space was in short supply and its loss should be prevented. Although Officers acknowledged that the proposed development would greatly improve the appearance of the dwellings, the scheme was considered unacceptable for the reasons set out in the report and refusal was recommended.

Councillor Gardner stated that the site was an eyesore and any proposals to improve the site should be welcomed as they would benefit the wider community. He proposed that planning permission should be granted, with conditions. Councillor Back commented that the proposal would enhance the street scene, and that it was up to house-buyers to decide whether the amenity space was adequate for their needs.

The Chairman reminded Members that, if approved, the dwelling-houses would not be of a standard normally sought by the Committee. New developments should aim to provide a good standard of accommodation and amenity space. Members needed to be clear what harms would be caused (e.g. lack of amenity space, some overshadowing) and whether these were outweighed by the benefits. He agreed that it was for future occupants to make a choice about the amenity space.

The Principal Planner recapped that the issue of overshadowing was not a reason for refusal per se. If the amenity space was left unenclosed it would have a detrimental effect on the street scene and future occupiers. However, if fenced in, the space would be very enclosed and potentially unusable. Ultimately, it was for Members to decide how the site should be dealt with.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/16/00838 be APPROVED on the grounds that (i) the Committee considers that there will not be significantly more harm caused by converting 24 and 24A Mill Hill to two houses rather than the existing two-flat arrangement; and (ii) the Committee considers that the issues identified can be adequately controlled by conditions; and subject to the following conditions:

- (i) Standard Time Limit;
- (ii) Approved Plans;

- (iii) Matching materials;
- (iv) Details and means of enclosure including soft landscaping;
- (v) Details of landscaping scheme;
- (vi) Removal of permitted development rights, no further extensions, etc.
- (vii) Refuse storage;
- (viii) Parking at front to 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.

87 FEES AND CHARGES 2017/18

Councillors Gardner and Bond expressed concerns that there was a charge for requesting confirmation that planning conditions had been complied with. This was penalising members of the public whom Members relied upon to assist them in ensuring that planning conditions were enforced. The Principal Planner confirmed that this charge would not apply to Members making enquiries in the wider public interest. The Chairman advised that Planning fees and charges were set by central Government. The Council had no discretion when it came to charging this particular fee which had existed since 2015. If Members had concerns, they should lobby Government.

The Committee noted the report.

88 APPEALS AND INFORMAL HEARINGS

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

89 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 8.27 pm.