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19 April 2017

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 20 April 2017 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-15)

To confirm the Minutes of the meeting of the Committee held on 23 March.

Yours sincerely


Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 23 March 2017 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
J S Back
T J Bartlett
T A Bond
D G Cronk
B Gardner
D P Murphy
G Rapley
P M Wallace

Officers: Team Leader (Development Management)
Senior Planner
Senior Planner
Planning Officer
Planning Consultant
Planning Consultant
Planning Delivery Manager
Planning Solicitor (Locum)
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/16/00576 | Mr John Peall | ----- |
| DOV/17/0100 | ----- | Ms Kate Forey |
| DOV/17/00103 | Mr John Peall | ----- |
| DOV/16/01119 | Mr John Peall | ----- |
| DOV/16/00875 | Mr Paul Anderson | Mr Ken Matthews |
| DOV/16/01461 | Mr John Peall | Mr Michael Ridgwell |
| DOV/16/00530 | Mr Barry Stevenson | Mr Keith Willett |
| DOV/16/00442 | Mr Mike Goddard | ----- |
| DOV/16/01247 | Ms Val Colby | Mr C Burnside Councillor Mike Conolly |

138 APOLOGIES

It was noted that there were no apologies for absence.

139 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members.

140 DECLARATIONS OF INTEREST

Councillor F J W Scales declared an Other Significant Interest in respect of Agenda Item 8 (Application No DOV/17/00103 – Land at Greenacres, Roman Road, Shatterling) by reason that the applicant was a work colleague.

Councillor D P Murphy declared an Other Significant Interest in respect of Agenda Item 12 (Application No DOV/16/00530 – Site Adjacent to 5 Friends Close, Deal) by reason that the developer was known to him.

Councillor T A Bond made a Voluntary Announcement of Other Interests in respect of Agenda Item 12 (Application No DOV/16/00530 – Site Adjacent to 5 Friends Close, Deal) by reason that he had visited the site at the request of some local residents in connection with efforts to identify whether the street lights were owned by Kent County Council. However, he explained that that matter was of no relevance to the application before Committee.

141 MINUTES

The Minutes of the meeting held on 23 February 2017 were approved as a correct record and signed by the Chairman.

142 ITEMS DEFERRED

The Chairman advised that the items on the list remained deferred.

143 CHAIRMAN'S ANNOUNCEMENT

The Chairman announced that Application No DOV/16/01460 (Land adjacent to former nightclub, Adrian Street, Dover) had been withdrawn from the agenda.

144 APPLICATION NO DOV/16/00576 - LAND ADJACENT TO AND FRONTING ROSEACRE, EAST LANGDON ROAD, MARTIN, DOVER

The Committee was shown a map and photographs of the application site which was in the countryside and outside any settlement confines. The Senior Planner advised that the application sought outline planning permission for the erection of two detached dwellings. The application had been deferred at the Planning Committee meeting held on 21 July 2016 for an ecology report and further information regarding transport sustainability. Members were advised that, whilst the applicant had stated that improvements would be made to the access, the nature of these was unclear at the present time since all matters were reserved. As a correction to the report, the Committee was advised that the reasons for refusal at I (ii) of the report needed to be amended as two reasons had been conflated into one in error.

Since the Committee's original consideration of the application, a 40mph speed limit had been introduced which affected the application site. Furthermore, the Council was now able to demonstrate that it had a 5-year housing land supply. This meant that its Local Plan policies could be considered up-to-date and, accordingly, significant weight could be attributed to Policy DM1 of the Core Strategy.

Following the receipt of the ecology report, Officers had concluded that there were no biodiversity constraints to development. However, the loss of the hedgerow, which was not deemed 'important' under the Hedgerow Regulations 1997, would be regrettable as it was a useful feature within the landscape.

The transport information submitted by the applicant had been considered and Officers' views on this were set out at paragraph 3.20 of the report. In summary, bus services to Dover and Deal were limited and there were no pedestrian routes to Martin Mill railway station. In correction, Members were advised that 'unlikely' in the first sentence of paragraph 3.21 should be amended to read 'likely'. Following a further site visit, Kent County Council (KCC) Highways had advised that the visibility splays would need to be 2.4 metres by 120 metres. However, it was clarified that this could not be achieved on land within the applicant's ownership. In any case, the removal or lowering of the hedgerow would be required to achieve this and, together with the resultant exposure of the site, this would create a street scene at odds with the rural location.

In conclusion, Members were advised that the proposal was contrary to Policies DM1 and CP1 of the Core Strategy. The applicant had not submitted any robust evidence to justify a departure from these policies, and refusal was therefore recommended.

Given that the application site was outside any settlement confines, on a road with poor visibility, Councillor T J Bartlett stated that there was no justifiable reason to grant planning permission. Councillor B W Butcher agreed, referring to the limited bus service, high speed of the road and lack of footpaths to Martin Mill station.

RESOLVED: That Application No DOV/16/00576 be REFUSED on the following grounds:

- (i) The development, if permitted, would result in an unjustified form of sporadic development beyond settlement confines and remote from any urban or village centre, and would be harmful to the rural character and appearance of the area and street scene, contrary to the aims and objectives of Policy CO8 of the Dover District Local Plan (2002) and Policies CP1, DM1, DM15 and DM16 of the Dover District Core Strategy and the sustainability aims and objectives of the National Planning Policy Framework, in particular paragraphs 14, 17, 55 and 109.
- (ii) In the absence of sufficient information to demonstrate otherwise, it is not possible to determine that the proposed access can achieve acceptable highway visibility standards, in a manner that ensures the safe operation/use of the proposed access on to East Langdon Road and contrary to the Kent Design Guide: Supplementary Guidance – Visibility (Interim Guidance Note 2).
- (iii) The development, due to its location, would fail to maximise walking, cycling and the use of public transport, contrary to the sustainability objectives and the aims of the National Planning Policy Framework, in particular paragraphs 17 and 56, and Core Strategy Policies DM11 and DM15.

145 APPLICATION NO DOV/17/0100 - 26 NORTH ROAD, KINGSDOWN

Members viewed plans and photographs of the application site. The Planning Officer advised that since the report was written the applicant had submitted a letter which had been circulated to Members. The Committee was advised that the

application site was situated within the Kingsdown Conservation Area which was covered by an Article 4 Direction. The application sought permission for a single storey rear extension, a rear dormer roof extension and the installation of glazed doors and a window to an existing extension. A front roof-light and a hardstanding to the rear of the property had been withdrawn following discussions with Officers.

The adjoining neighbour at no. 25 had two-storey and single storey rear extensions with a combined length of approximately 8 metres. It was considered that there would be no harm caused to adjoining properties. The proposal was considered to be sympathetic to the existing roofscape which had no uniformity, and approval was therefore recommended.

Councillor Butcher praised the design of the dormer which was more in keeping with dwellings of this age than the roof-lights installed in some other properties. The proposed extension was much smaller than neighbouring extensions and therefore also acceptable. The Chairman welcomed the removal of the front roof-light, and commented that he would like to see a condition added giving Officers control over joinery and materials.

In response to Councillor P M Wallace who referred to the Kingsdown Conservation Area Character Appraisal, the Chairman advised that the Council's Heritage Officer would have taken this into account when commenting on the application. She had raised objections to the front roof-light which had subsequently been removed. The Team Leader – Development Management reassured Councillor B Gardner that the front roof-light no longer appeared in the drawings and that the relevant drawing number would be referred to in conditions. She also confirmed that joinery details and material samples could be included in conditions.

RESOLVED: (a) That Application No DOV/17/0100 be APPROVED subject to the following conditions:

- (i) Timescale of commencement of development;
- (ii) List of approved plans;
- (iii) Joinery details and material samples to be submitted to, and approved in writing by, the Local Planning Authority before commencement;
- (iv) Materials to match existing.

(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.

146 APPLICATION NO DOV/17/00103 - LAND AT GREENACRES, ROMAN ROAD, SHATTERLING

The Committee viewed plans and photographs of the application site which lay within the countryside outside settlement confines. The Planning Officer advised that the site was situated 1.2 miles from Wingham, the nearest village, in an area characterised by sporadic development adjacent to the road.

The application sought outline planning permission for the erection of two detached dwellings, with all matters reserved. Policy DM1 sought to restrict development outside the settlement confines and was relevant. Although the applicant had advised that the proposed development would enable her to care for her son, this was not considered to be a sufficiently compelling reason which would justify a departure from Policy DM1. In terms of highway safety, KCC Highways had raised strong objections to the use of the existing access, and it was considered that an alternative safe access to the site could not be achieved.

Councillor Bartlett was of the view that exceptional circumstances applied to the application. The site was not in an isolated location and there was a bus-stop opposite, as well as Wingham Country Market and Wingham Wildlife Park nearby. Councillor J S Back agreed, stating that there were dwellings on both sides of the site and opposite. With a bus-stop opposite the site, it also appeared to be in a sustainable location.

Councillors T A Bond and Wallace sympathised with the applicant's predicament, but were of the view that there was no compelling reason to justify a departure from the Council's Local Plan policies. Councillor Wallace also questioned the need for two houses and whether the development would cause environmental harm. The Team Leader – Development Management emphasised that the site lay in an area of development which was outside any settlement confines. Furthermore, the applicant had not put forward an agricultural case for the proposed development. The Planning Officer clarified that the strip of land abutting the road, which had not been included within the application site, was owned by the applicant.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/00103 be DEFERRED for: i) a site visit to be held on Tuesday, 18 April 2017 to allow Members to assess the visual impact of the proposal and highways and access issues, and Councillors J S Back, T J Bartlett, B Gardner, G Rapley and P M Wallace (reserve: B W Butcher) be appointed to visit the site; and ii) further information regarding the needs of the applicant and justification for two dwellings.

(Councillor F J W Scales withdrew from the Chamber during consideration of the application. Councillor B W Butcher assumed the chairmanship of the meeting for this item.)

147 APPLICATION NO DOV/16/01119 - LAND ADJACENT TO MARSHLANDS, JUBILEE ROAD, WORTH

Members were shown maps, plans and photographs of the application site. The Planning Officer advised that the site was situated within the countryside and outside the settlement confines of Worth. Policy DM1 of the Core Strategy was therefore relevant. The application sought planning permission for the erection of two semi-detached dwellings on a site fronting Jubilee Road and sandwiched between two residential properties. The area was characterised by a number of detached and semi-detached dwellings, with those to the north of the site having larger, greener frontages. The Worth Neighbourhood Plan, adopted in 2014 and forming part of the Council's Local Plan, allocated a number of sites for development, although this site was not one of them.

At the time the application had been lodged the Council had been unable to demonstrate a 5-year housing land supply, a factor which had influenced the advice

given to the applicant. However, since that time, a Ministerial Statement had been issued which confirmed that an authority's planning policies should not be deemed out-of-date if it could demonstrate a housing land supply of 3 years or more. As of December 2016, the Council had been able to demonstrate a 4.175-year housing land supply and its policies, including the Worth Neighbourhood Plan, could therefore be considered up-to-date.

Officers considered that the introduction of two dwellings into an area of former garden land would affect the openness of the area and have an urbanising effect. The proposal was contrary to Policies DM1, DM11, DM15 and DM16 of the Core Strategy. Whilst there was extant outline planning permission on the site for the erection of one dwelling (granted at a time when the Council had been unable to demonstrate a 5-year housing land supply), the addition of another dwelling would increase concerns surrounding openness, urbanisation and sustainability. For these reasons, refusal was recommended.

Councillor Butcher pointed out that the site was situated between a long line of close-knit properties, including six semi-detached properties. In his view the proposed development would be in keeping with what was already there and, importantly, provide two family homes for the village. There was Parish Council and village support for the proposal, and KCC Highways had raised no objections. The applicant had been disadvantaged by the Ministerial Statement and he recommended that the application should be approved. Councillor Bond added that the larger building now proposed was probably not significantly different to Marshlands, the adjoining house. Given that the Parish Council supported the proposal and planning permission had already been given for one dwelling on the site, he believed there was justification for departing from planning policies.

The Team Leader – Development Management reminded Members that planning permission for one dwelling had been granted at a time when the Council did not have a 5-year housing land supply. Following the Ministerial Statement of December 2016 and the Council's achievement of a 4.175-year housing land supply, it was appropriate to afford full weight to Policy DM1, and compelling reasons were needed to justify a departure from this policy. Whilst she acknowledged the presence of semi-detached houses in Jubilee Road, she advised that there were gaps and spaces between buildings as one moved further into the rural landscape. The erection of two dwellings, which would occupy more space in a gap than a single dwelling, would make a difference to the street scene in terms of parking, etc. In response to the Chairman, she clarified that, had the previous application been for two rather than one dwelling, there would still have been concerns regarding the size and constraints of the site (including amenity space) and the dwellings' impact on the street scene.

Councillor Wallace supported the report's conclusion but, on balance, was of the view that the proposed development would not be detrimental to the street scene which had a higgledy-piggledy appearance. Unless the proposed dwelling was of a radically different size to existing buildings, he would support the proposal. Councillor Gardner supported the application, commenting that, if permitted, the new dwellings would be one of twenty properties in a row. He acknowledged that the Council now had a 5-year housing land supply, but could see no reason to refuse the application. Councillor Back pointed to the fact that the previous application had been granted permission when similar applications had been refused. The site was between a long row of houses and, in his opinion, an additional dwelling would cause no additional harm.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/16/01119 be APPROVED on the grounds that: (i) The proposed development, whilst not sustainable, would fulfil an economic, social and environmental role which would outweigh the restraints of Core Strategy Policy DM1; and (ii) Any harm caused by an additional dwelling was considered to be insignificant.

(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 report and as resolved by the Planning Committee.

148 APPLICATION NO DOV/16/00875 - CASINO GARAGE, CANTERBURY ROAD, WINGHAM

The Committee was shown plans and photographs of the application site. The Planning Consultant reminded Members that the application sought planning permission to use a hardstanding forecourt, previously used for car sales, as a carwash. The proposed use would be in addition to a number of existing businesses present at the site, including a petrol station. One further letter of objection had been received since the report was written, raising objections similar to those covered in the report. It was clarified that the washing bay would be boxed in by Perspex and would be a sealed unit when jet-washing was taking place.

The application had been deferred at the last Planning Committee meeting for a site visit. Since the visit, the agent had submitted a drawing of the proposed office building which included toilets. Receipt of the drawing meant that the second part of condition xii) could be removed. Following comments made at the site visit, the agent had also submitted a note regarding the ownership of the triangle of land situated where the proposed access would be. This confirmed that the land was owned by the petrol station operator, but the applicant had a right of access across the land. The agent had also indicated that a traffic management plan could be submitted to demonstrate how traffic on the site would be controlled.

Councillor Gardner reported that the site visit panel had been tasked with considering the visual, noise, highways and pollution impacts of the proposal, as well as the impact on adjoining properties. Members had concluded that the proposal would have no visual impact and, by a majority, that the proposal was acceptable in terms of pollution. However, all five Members had concerns regarding the amount of noise that would be generated by the operation, causing a disturbance, in particular, to the two houses next door to the site. It was recognised that the road was a busy one but, with the exception of the petrol station, the existing businesses were closed on Saturday afternoons and on Sundays and Bank Holidays. Members were therefore concerned that the new business would cause a disturbance to residents at times when they currently enjoyed some peace and quiet. By a majority, Members were also very concerned about highway safety. The increase in vehicle movements would lead to cars queueing to enter the site and then waiting to exit the site from the same entrance used by cars using the petrol station.

The Chairman added that it would not be acceptable to condition that the use could not take place at weekends or Bank Holidays as these were generally the busiest times for carwashes. The previous car sales use had generated a different type of activity, with far fewer vehicles entering and exiting the site than would be generated by the proposed carwash. Both Councillors Bartlett and Butcher argued that the

use of one entrance for cars entering and exiting the site, together with the increase in vehicle movements, would lead to traffic chaos. Councillor Wallace stated that the proposed use was incompatible with a residential area given the amount of noise and disturbance that would be caused. He also expressed grave concerns about access arrangements, highway safety and visibility, all of which would be detrimentally affected by the proposed carwash. Together with concerns about drainage and pollution, he could not support the application.

The Chairman reported that KCC Highways had confirmed at the site visit that it would be virtually impossible to achieve an alternative access. Councillor D G Cronk added that further traffic chaos would be caused by tankers waiting to enter the petrol station and trailers trying to access the car bodyshop.

RESOLVED: That, notwithstanding the Officer's recommendation and advice received from KCC Highways, Application No DOV/16/00875 be REFUSED on the grounds that:

- (i) The proposed use of the site, by reason of the likely increased use of the access by customers accessing and egressing from Canterbury Road, the potential conflicts in vehicle movements around the access and adjacent forecourt area and the limited space on and adjacent to the site to accommodate these movements, would be likely to give rise to queueing, parking and vehicle manoeuvring that would prejudice the free flow of traffic along Canterbury Road and give rise to harm to highway and pedestrian safety, contrary to Paragraph 32 of the National Planning Policy Framework.
- (ii) The proposed use of the site, by reason of the increased levels of activity, comings and goings, and general noise and disturbance caused by the operations on the land, staff and customers, would harm the living conditions of the occupiers of adjacent residential properties, in particular on Sundays and Bank Holidays and at times when the adjacent businesses are closed, when those occupiers might expect a reasonable degree of privacy, residential amenity and enjoyment of their homes and gardens, contrary to Paragraph 17 of the National Planning Policy Framework.

149 APPLICATION NO DOV/16/01461 - 4 BEACH MEWS, WALMER

Members viewed plans and photographs of the application site. The Planning Consultant advised that planning permission was sought to create a sitting-out area as part of the flat roof of the house and erect a glass balustrade around this area. The house was one of several dwellings forming a cul-de-sac which had been the subject of a condition imposed when planning permission was granted in 2011 to prevent flat roofs being used as amenity space. The condition had been imposed on all the dwellings in order to enable the Council to consider the merits of individual proposals as and when they came forward.

Officers recommended that planning permission be granted on the basis that there was already some overlooking from windows in the property, and it was considered that the proposal would not make the overlooking and loss of privacy to those occupiers in properties to the east materially more harmful. In addition, there were a number of properties in the immediate area with balconies and equivalent or

shorter distances between properties. Moreover, the applicant had responded to the concerns raised and now proposed to obscure glaze part of the balustrade which would help prevent existing overlooking from within the upper floor room and potential overlooking from the terrace. Taking these factors into consideration, it was recommended that, on balance, the proposal was acceptable and planning permission should be granted.

Councillor Bond recalled the debate on the original application when overlooking had been a major concern for Members. The application had been approved on condition that there would be small windows. However, sometime later a retrospective application for larger windows had been submitted and subsequently approved by the Committee. This proposal would further increase the opportunity for overlooking and he could not therefore support the application. Councillor D P Murphy commented that, not only would the proposal infringe the privacy of some properties in Wellington Parade, but it would be out of keeping with the street scene of the road.

The Chairman advised Members that a blanket approach had been taken to the removal of permitted development rights at that time. A different approach was now taken and questions were now asked as to whether it was reasonable and justified to remove specific development rights for individual properties. The application before Committee needed to be assessed in that manner. In other words, would the creation of the roof terrace on this particular property lead to overlooking or a loss of privacy.

In clarification, the Planning Consultant advised that a separation distance of 21 metres was the rule of thumb guideline contained in the Kent Design Guide. That said, it was important to judge each application on its own merits. Members needed to consider how much of an additional impact the roof terrace would have in relation to the views that were already achievable from the first floor windows. Members would need to consider whether the elevation of the roof terrace was enabling views down into gardens and up to the elevations of properties to the rear. Councillor Bond commented that, in his opinion, overlooking would be materially worse given that views would be several metres higher.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/01461 be REFUSED on the grounds that the proposal, if approved, would lead to an increase in overlooking and a significant loss of privacy for 96 and 98 Wellington Parade, thereby causing harm to the living conditions of neighbouring residents, contrary to Paragraph 17 of the National Planning Policy Framework.

150 APPLICATION NO DOV/16/00530 - SITE ADJACENT TO 5 FRIENDS CLOSE, DEAL

Members were shown plans and photographs of the application site. The Planning Consultant advised that the application site was within a development granted planning permission in 2004. Under that permission the application site had been conditioned as a children's play area, but a recent application had seen it allocated as an area of open space. Concerns had been raised by residents about the loss of the play area and the fact that the highway and footpaths within the existing development had not been completed to an adoptable standard.

The principle of development was acceptable, as was the design of the dwelling which would be similar to properties nearby. The turning head would be

maintained, and there were no concerns regarding overlooking or overshadowing. Concerns had been raised over the existence of tanks beneath the site which the applicant had indicated would be moved. The applicant had submitted a unilateral undertaking to complete the roads and footpaths to an adoptable standard within three months of the first occupation of the dwelling. However, the undertaking was not a material planning consideration as it was not necessary to make the development acceptable and, therefore, did not meet Regulation 122 of the Community Infrastructure Levy. The development would cause no demonstrable harm, was in a sustainable location and therefore, on balance, approval was recommended.

Councillor Gardner commented that the Council had let the residents of Friends Close down. Not only had they been promised a play area which had never materialised, but their highways and footpaths had never been completed either. He disliked the idea of building on land which had originally been designated as a play area and then open space. However, there would be a benefit in granting permission in that the applicant had provided an undertaking to complete the road and footpaths. Without this benefit he could certainly not support the application.

Councillor Bond referred to the history of the site which he regarded as relevant to the consideration of the current application. He queried why the Environment Agency (EA) had previously objected to development on the site, but now raised no objections. The applicant had advised that the underground attenuation tanks were to be relocated, but further information was needed on where they would go. He also queried who was responsible for surface water drainage in Friends Close given that the road had not been adopted by KCC. In such circumstances, the Local Planning Authority had no powers to enforce drainage. Finally, he questioned the value of the unilateral undertaking which could not be enforced should the applicant fail to uphold the agreement. He proposed that the application should be deferred for further information.

The Chairman agreed that further information was needed about on and off-site drainage, particularly how the tanks would be re-sited and maintained. He was also interested in knowing why the EA had changed its position on development at the site.

The Planning Consultant stressed that Members should assess the application as if the unilateral undertaking had not been offered. It was clarified that the undertaking would require the applicant to undertake works to the road before the dwelling was occupied. This legal agreement would accompany the planning permission and, in Officers' opinion, should be enforceable. However, if the application were refused, the Council had no powers to address what was an unsatisfactory situation.

Members were advised that they should also consider whether the loss of open space would result in harm. At the present time there was no information available on where the tanks would go. It was clarified that if the road had been built to an adoptable standard, responsibility for surface water drainage would fall to KCC.

In response to Councillor G Rapley who stated that the Council had a duty in respect of play area provision, the Chairman advised Members that they would need to consider what, if any, alternative play areas were available in the vicinity. He recognised that the Committee should assess the application without the undertaking, but argued that this would influence its decision nevertheless.

The Chairman emphasised that the Committee must consider the application on its own merits. If Members were minded to refuse the application on the grounds of loss of open space, they were required to assess the evidence and consider why its retention was important. Officers' advice indicated that the unilateral undertaking was enforceable and therefore a significant benefit of the application.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/00530 be DEFERRED for further information from the applicant on the following: i) Surface water and foul drainage and relocation of attenuation tanks; and ii) The availability of open space nearby, evidence of which will aid Committee members in considering whether the loss of designated open space is justified.

(Councillor D P Murphy withdrew from the Chamber during consideration of this application)

151 ADJOURNMENT OF MEETING

The meeting was adjourned at 9.21pm for a short break and reconvened at 9.28pm.

152 APPLICATION NO DOV/16/00442 - THE THREE TUNS, THE STREET, STAPLE

The Committee viewed plans and drawings of the proposed development. The Planning Consultant reminded Members that the application had been deferred twice previously; in September 2016 for further consultation and in December 2016 for amendments to be made to the scheme. Since the application had been submitted, the Council's position had changed and it was now able to demonstrate a 5-year housing land supply. This was a material consideration, and meant that approval of the application would require justification for a departure from the Local Plan which was now considered up-to-date.

Amended plans had been received which sought to address concerns raised by the Committee in December regarding the level of development within the rear of the site. The key changes (set out at paragraphs 1.12 to 1.17 of the report) included the removal of one unit and all of the detached garages but one. Subtle changes had also been made to the elevations of some of the units to soften their impact.

Members were reminded that the application site lay partly outside and partly within the village confines of Staple. The site was on the edge of the village and contained a Grade II-listed building, formerly the Three Tuns public house, which would be converted as part of the development. The Council's Heritage Officer had advised that there would be less than substantial harm caused to the setting of the listed building, and benefits in that the future of a prominent heritage asset (currently in poor condition) would be safeguarded. The scheme would also provide much needed village housing, a small car park for use by visitors and village residents and enhance the vitality of the village. Matters such as transport, highways, access and parking were considered satisfactory. In Officers' opinion the amendments made had significantly enhanced the scheme and, in this instance, a departure from the Local Plan was considered to be justified on economic, social and environmental grounds. On balance, approval was recommended.

Councillors Bartlett and Butcher welcomed the amendments which now made the proposed scheme more open and acceptable. In response to Councillor Gardner, the Planning Consultant clarified that the rear part of the development was outside the village confines. The front part, including the public house, was within the

confines. Councillor Gardner stated that he could not support the scheme as too much of it was still outside the confines, and the social, economic and environmental benefits did not outweigh the harm that would be caused.

Councillor Bond commented that the scheme was now aesthetically more pleasing. He accepted that the justification for building beyond the confines was the protection of the listed building. He queried whether the listed building could be protected from future development by removing permitted development rights. The Chairman agreed that the rural feel of the area needed to be retained and, for this reason, the removal of development rights might be appropriate.

The Planning Consultant advised that elements such as outbuildings, extensions and new window openings could be controlled. The Chairman clarified that if development rights were removed, occupiers would need to apply for planning permission. Individual applications would need to be judged on their merits against the policies in force at the time. In respect of this application, Members would need to assess the proposal against Policy DM1 of the Core Strategy and whether the benefits of the scheme outweighed the impact on the countryside.

RESOLVED: (a) That Application No DOV/16/00442 be APPROVED subject to the following conditions:

- (i) Commencement within 3 years;
 - (ii) Carried out in accordance with the approved drawings;
 - (iii) Materials to be submitted (which shall include timber cladding);
 - (iv) Details of fenestration (joinery details);
 - (v) Details of roof overhangs and recessed windows (1;10);
 - (vi) Details of cycle and refuse storage;
 - (vii) Sample panel of brickwork;
 - (viii) Any conditions requested by Kent County Council;
 - (ix) Any conditions requested by Kent County Council Archaeology;
 - (x) Car park provision (prior to occupation);
 - (xi) Removal of permitted development rights relating to outbuildings, extensions and new window openings.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line

with issues set out in the recommendation and as resolved by the Planning Committee.

153 EXTENSION OF MEETING

The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, the Committee was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That the Committee proceed with the business remaining on the agenda.

154 APPLICATION NO DOV/16/01247 - LAND AT WHITE POST FARM, SANDWICH ROAD, ASH

Members were shown plans and photographs of the application site which had previously been considered for inclusion in the Council's Land Allocations Local Plan. However, despite support from the Council, the site had been withdrawn by the owner. The Senior Planner advised that the application sought outline planning permission for thirty dwellings, with detailed access proposals already submitted. As a correction to the report, the Committee was advised that condition (12) should be removed as there was no access to 24 Sandwich Road. Since the report was published, one further letter of objection had been received which raised no additional matters to those covered in the report.

The southern part of the site lay outside the settlement confines of Ash. The older and newer farm buildings – some of which would be demolished – were within the Ash – Street End Conservation Area. 80% of the development site was classed as Grade 2 Best and Most Versatile (BMV) agricultural land, equating to 0.96 hectares. Burford Alley, a public right of way running adjacent to the western boundary, would be upgraded as part of the scheme.

The Committee was advised that the applicant had received favourable pre-application advice at a time when the Council could not demonstrate a 5-year housing land supply. However, that position had now changed and full weight could be afforded to Policy DM1 of the Core Strategy which sought to prevent development in the countryside. On that basis, although the proposal was contrary to the Development Plan, the site was economically, socially and environmentally sustainable. The proposed development would be seen in the context of existing development along Sandwich Road. It would also bring forward affordable housing, as well as a number of financial contributions towards secondary education, libraries, open space, an upgrading of the public right of way and an extension to the capacity of the existing surgery. Moreover, the Council's Heritage Officer had advised that there would be no harm arising from the proposal.

Councillor Back stated that the application should be refused as the site was outside the settlement confines and development would therefore be contrary to Policies DM1 and DM15 of the Core Strategy. It would also lead to the loss of Grade 2 BMV agricultural land. Moreover, refusal was also appropriate given that the Council now had a 5-year housing land supply.

Councillor Bartlett expressed concerns about the proposal which he could not support. 200 new homes had already been created in Ash and this was enough. This development would worsen the traffic situation in Ash which was already bad, with the High Street often deadlocked. Councillor Wallace stated that the scheme

was a good one but in the wrong place. The Chairman commented that, whilst the scheme came with a significant number of benefits these, in any case, would be needed to serve the development rather than being of additional wider benefit to the community. The site had nearly been included in the Local Plan some time ago so had clearly been regarded as sustainable. However, he sympathised with those who argued that Ash had already experienced more than its fair share of growth.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/01247 be REFUSED on the grounds that the proposed development was contrary to Policies DM1 and DM15 of the Council's Core Strategy and would lead to the loss of Grade 2 Best and Most Versatile agricultural land.

155 APPEALS AND INFORMAL HEARINGS

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

156 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 10.33 pm.