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15 November 2017

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 16 November 2017 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-14)

To confirm the Minutes of the meeting of the Committee held on 26 October 2017.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over the printed name "Chief Executive".

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 26 October 2017 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
P M Beresford
T A Bond
D G Cronk
B Gardner
L A Keen
D P Murphy
M J Ovenden
G Rapley

Officers: Team Leader (Development Management)
Principal Planner
Senior Planner
Planning Consultant
Planning Delivery Manager
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/17/00778	Mr M Tillings	-----
DOV/17/00246	Mr Dan Town	-----
DOV/16/00530	Mr B Stevenson	-----
DOV/16/01356	-----	Miss Lesley Steward
DOV/16/01342	-----	Mr Savage
DOV/16/00924	Mr John Peall	-----
DOV/17/00387	Mr Iain Warner	Mr Tim Flisher
	Dr Michael Leeming	Councillor Mike Conolly
DOV/17/01022	Mr John Peall	Mr David Worboys

85 APOLOGIES

It was noted that an apology for absence had been received from Councillor P M Wallace.

86 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor L A Keen had been appointed as a substitute member for Councillor P M Wallace.

87 DECLARATIONS OF INTEREST

Councillor B Gardner made a Voluntary Announcement of Other Interests in Agenda Item 11 (Application No DOV/16/00924 – Walmer and Kingsdown Golf Club, The

Leas, Kingsdown) by reason that a number of members of his Bridge club who were also members of the Golf Club had discussed the application with him.

Councillor M J Ovenden advised that she had called in Agenda Item 6 (Application No DOV/17/00778 - Sushael, Denton Road, Wootton). She intended to speak on the item, but would not participate in the debate or voting on the application on the grounds of predetermination.

88 MINUTES

The Minutes of the meeting held on 21 September 2017 were approved as a correct record and signed by the Chairman.

89 ITEMS DEFERRED

The Chairman advised that the items listed remained deferred. It was anticipated that Application No DOV/16/01328 (Land rear of Archers Court Road, Whitfield) would come to the next Committee meeting. A viability assessment had been received in respect of Application No DOV/14/00240 (Eastry Hospital, Mill Lane, Eastry), and this application was likely to come to Committee in November.

90 APPLICATION NO DOV/17/00778 - SUSHAEI, DENTON ROAD, WOOTTON

The Committee was shown plans and photographs of the application site. The Senior Planner advised that the application sought permission for a change of use, from a holiday let to a permanent dwelling-house. The application site was situated outside any defined settlement boundaries and in an unsustainable location. Moreover, it was within the Kent Downs Area of Outstanding Natural Beauty (AONB) which enjoyed the highest level of protection. Officers considered that the marketing exercise undertaken to sell the property had been inadequate. There was no unusual and compelling justification for planning permission to be given and refusal was therefore recommended.

Councillor Ovenden claimed that extenuating circumstances applied to the application. If granted permission, there would be no loss to tourist amenity in the area as a nearby farmhouse had recently been granted permission for a conversion to holiday lets. The applicant lived a considerable distance from the property which was a one-bedroom cottage with a large garden and therefore difficult to maintain. Its marketability was also limited given its size and the holiday let restriction. It appeared that other holiday let properties had successfully applied for changes of use.

In response to Councillor Gardner, the Senior Planner clarified that the property had been converted into a holiday let in 2012, and had previously been used as a workshop and store. Councillor Gardner argued that an application for a permanent dwelling in 2012 would have been refused. It appeared that very limited marketing of the property as a holiday let had been undertaken and, in his view, the business had not been given a chance to succeed. He supported the Officer's recommendation to refuse the application.

The Chairman reminded Members that applicants' personal circumstances could be taken into account when determining applications. He understood that the applicant's personal circumstances had changed at the time permission was granted which had affected the business. The Planning Solicitor clarified that, whilst personal circumstances were capable of being material considerations where

matters were evenly balanced, they were peripheral to the main planning considerations.

Councillor L A Keen noted the extensive concerns raised by Denton-with-Wootton Parish Council. The lane outside the application site was very narrow and unsuitable for the additional traffic that would be generated by the proposal. The viability of the business had not been sufficiently tested and, referring to the second bullet point of paragraph 3.3 of the report, she stressed that there should be a consistency in approach to ensure that holiday let applications were not a back-door way of achieving residential development in the countryside. The Chairman reminded Members that there would be more domestic paraphernalia with a permanent residential dwelling.

Councillor T A Bond questioned the harm in granting permission for an existing building which could potentially become an eyesore in the AONB if permission were refused. He referred to other holiday lets in the area having been granted permission as permanent dwellings. In his view, the additional traffic generated by a one-bedroom cottage would be minimal. He argued that it was not for the Committee to decide whether holiday let businesses were viable or not.

The Chairman reminded the Committee that there was no such thing as setting precedents in Planning; each application had to be assessed on its merits. An important factor in determining other holiday let applications had been the fact that the Council lacked a 5-year housing land supply at the time. In addition, it was likely that other applications had submitted robust business viability and marketing evidence which was not the case here. He emphasised that it was not the Committee's role to change policies but to work within them.

RESOLVED: That Application No DOV/17/00778 be REFUSED on the grounds that the proposed development would result in the loss of a rural tourist facility and would create a new dwelling within an unsustainable location. The proposal would generate additional traffic movements to and from the site to key services and would also be likely to result in further domestic paraphernalia within its curtilage to the detriment of the visual amenity of the locality, adversely affecting the rural character and unspoilt quality of the location. The proposal would therefore be contrary to Dover District Council Core Strategy policies, in particular Policies CP1, DM1, DM4, DM11, DM15 and DM16, Policies LLC1 and LLC6 of the Kent Downs Area of Outstanding Natural Beauty Management Plan, and the aims and objectives of the National Planning Policy Framework, in particular paragraphs 7 and 14 and Chapter 3.

(Councillor M J Ovenden left the Chamber after speaking on this item.)

91 APPLICATION NO DOV/17/00246 - THE OLD RECTORY, CHURCH HILL, EYTHORNE

Members viewed drawings, plans and photographs of the application site. The Planning Consultant advised that the application had been deferred at the last Committee meeting to enable Members to consider trees and to assess highways access and road layout. Of particular concern were trees adjacent to two particular houses as it was believed that there could be pressure to remove them in the future. Concerns had also been raised regarding the installation of double yellow lines to allow access and egress from the site. Since the site visit, discussions had been

held with the applicant. It was proposed that the carriageway should be narrowed to deter speeding, a proposal which Kent County Council (KCC) Highways and an independent safety audit supported. To address the displacement of parking spaces opposite the access point, the applicant was now proposing to provide four parking spaces within the site, specifically allocated to the residents of Rectory Bungalows and including two disabled parking bays. It was also proposed to provide a pedestrian crossing point outside the site. Amended plans had been submitted for these proposals. Finally, it would be conditioned that a detailed landscaping plan should be submitted to ensure that indigenous trees were planted. The wording of this condition was read out by the Planning Consultant.

Councillor Gardner reported on the outcome of the site visit held on 24 October. The site visit panel had looked at the access onto Shepherdswell Road and considered it satisfactory. Members had agreed that a total of four parking spaces should be provided within the site for the bungalows opposite whose existing parking spaces would be displaced by the proposed double yellow lines. It had also been noted that the existing access onto Church Hill was inadequate, with very poor sightlines. The applicant's proposal to build into the road to slow traffic down was considered a satisfactory way of addressing concerns. There were a large number of substantial, established trees on the site that would benefit from the site being cleared. Where it was proposed to remove trees, Members recommended a robust condition to ensure that suitable replacements were planted.

Councillor B W Butcher supported the site visit recommendations, noting that Kent County Council (KCC) Highways had approved the proposed traffic-calming measures. Councillor Ovenden was pleased that more parking would be provided for the residents of Rectory Bungalows.

The Chairman advised that he had also attended the site visit. It was obvious that there were problems with vehicles speeding up Church Hill, and the proposed access measures would therefore have a wider benefit for local people. It was clarified that the tree survey and plan were official documents submitted with the planning application. Reference to them would be made in the decision notice granting planning permission.

In respect of the proposed conditions, Members were advised that permitted development rights would be removed for openings for three specific houses at the corner of the site to prevent overlooking of certain listed buildings. A Section 106 agreement would be a more robust way of dealing with the translocation of slow-worms, and it was proposed that it would be settled under delegated powers. A condition had been attached in respect of decking and patio details to restrict large-scale digging near trees.

RESOLVED: (a) That, subject to the settlement of a Section 106 Agreement for the translocation of slow-worms, Application No DOV/17/00246 be APPROVED subject to the following conditions:

- (i) Time;
- (ii) Approved drawings;
- (iii) Samples;
- (iv) Design details;

- (v) Cycle and bin storage;
 - (vi) Parking/turning;
 - (vii) Construction Management Plan;
 - (viii) Archaeology;
 - (ix) Removal of permitted development rights for openings for three houses at corner of site to prevent overlooking of listed buildings;
 - (x) Foul and sewage disposal details;
 - (xi) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping using indigenous species which shall include: (a) The retention of existing tree/shrub lines along the Church Hill boundary, and enhancements to the boundary where necessary; (b) The use of a range of natural flowering and berry-bearing species of trees within the application site; (c) Areas of open space to include a good level of indigenous tree planting; (d) The provision of bird and bat boxes within the development; (e) Deadwood habitat piles in discreet locations within the development; together with indications of all existing trees and hedgerows on the land, and details of how trees will be retained in accordance with the tree survey spreadsheet and tree survey plan submitted with the application, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long-term management;
 - (xii) Surface water disposal;
 - (xiii) Foundation design;
 - (xiv) Decking/patio details;
 - (xv) Ground levels and sections;
 - (xvi) Provision of four on-site parking spaces, marked for the use of residents of Rectory Bungalows, two to be suitable for disabled use;
 - (xvii) Provision of a pedestrian crossing area on Church Hill to facilitate crossing between Rectory Bungalows and the application site.
- (b) That powers be delegated to the Head of Regeneration and Development to settle the Section 106 Agreement and any

necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

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

The Committee was shown plans and photographs of the application site. The Planning Consultant advised that the application had been deferred by the Planning Committee in March for further information on open space and drainage arrangements. Members were reminded that the application sought planning permission for the erection of one new dwelling. Following the submission of amended plans, it was evident that the foundations of the proposed dwelling would not impinge upon the existing drainage tanks (notwithstanding that they were due to be moved slightly). In terms of play provision, the North Deal Recreation Ground, with an equipped play area and Multi-Use Games Area (MUGA), was within 200 metres of the proposed development, well within the 600 metres provided for in the Council's Parks and Amenity Open Space Strategy. It had therefore been concluded that the loss of open space caused by the development would not be detrimental to local residents as there was good provision nearby.

Members had raised concerns at the March meeting about the failure to complete the road following an earlier development. Whilst the completion was not a material consideration for the current application since it was not required to make the application acceptable, the developer had entered into a bond with KCC Highways which would ensure that the road would be completed to an adoptable standard. It was understood that the first bond payment had already been made. The developer had also made a unilateral undertaking with Dover District Council that the road would be completed within three months of first occupation. It was confirmed that the latter was enforceable.

Councillor Bond welcomed the clarification on drainage and flooding, and expressed hope that the developer would complete the road works as promised. The Planning Consultant advised that a condition should not replicate what was already covered in a legal agreement, and it was therefore more appropriate to add an informative for the road works. Councillor Gardner expressed his opposition to the application as it would increase the overall number of houses on the site which was counter to the maximum number of dwellings that had previously been agreed as part of the earlier development. However, in recognition that granting planning permission would finally achieve the completion of the road, he would vote in favour of the application.

RESOLVED: (a) That Application No DOV/16/00530 be APPROVED subject to the following conditions:

- (i) Commencement within 3 years;
- (ii) Carried out in accordance with the approved drawings;
- (iii) Details of materials to be submitted;
- (iv) Details of cycle and refuse storage;
- (v) Any conditions requested by Kent County Council;

- (vi) Any conditions requested by Kent County Council Archaeology;
 - (vii) Any conditions requested by the Environment Agency;
 - (viii) Details of the relocation and provision of drainage tanks.
- (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.
- (c) Informative: That the Planning Committee grants planning permission on the basis that the road will be upgraded to a Kent County Council-adoptable standard.

93 APPLICATION NO DOV/16/01356 - LAND AT MONKTON COURT LANE, EYTHORNE

Members viewed plans and photographs of the application site which had been the subject of previous refusals due to its location and unsustainability. The Planning Consultant advised that the principle of keeping horses at the site was accepted. A number of concerns had been raised about the manner in which the site had been used and managed in the past, and how residential development might be pursued in the future. On the latter, the Council's agricultural adviser had commented that any future application for residential development would be no more likely to be granted given that the development now proposed was reversible and not permanent. As a correction to the report, it was clarified that condition ii) should read 'no temporary structures' and that the maximum number of horses would be limited to four.

Councillor Ovenden referred to a previous application that had been refused. An existing field access had previously been unavailable to the applicant whilst the application was pending. However, the field access was now available and she could therefore see no need for the new access. Moreover, the hedgerow lost as a result of the creation of the new access had been cited by the Inspector in dismissing the appeal in relation to application DOV/14/00477. She argued that neighbours had been adversely affected by the keeping of horses on the site which was contrary to Policy DD21 of the Local Development Plan. She queried whether the application could be refused in part.

The Planning Consultant advised that his understanding was that applications could not be refused and approved in part. It was not for the Committee to consider how the land had been used and managed in the past, but whether the land was suitable for the keeping of horses. The amount of hedgerow that had been lost as a result of the current proposal was less than had been proposed as part of the previously refused application. Finally, applications could not be refused on whether the use was needed, but on whether they were policy compliant and acceptable in planning terms.

The Chairman commented that the Committee's role was to consider whether harm had been caused by the removal of the hedgerow. The Planning Consultant clarified that conditions would prevent events being held on site and the ability to

build chattels, hard-standings and temporary structures. The Planning Solicitor advised that National Planning Policy Guidance indicated that decisions should not be split without the agreement of the applicant. A more appropriate way to deal with the application would be to seek amended details from the applicant prior to a decision being made.

Councillor Gardner proposed that the application should be refused on the grounds that the access was not acceptable, with an informative that the keeping of four horses would be allowed. Councillor Keen added that accessing the site with horseboxes, bales of hay, etc via such a narrow road would be difficult and was therefore unacceptable. The Chairman was of the view that it would be more appropriate to defer the application to enable negotiations to take place with the applicant regarding the access.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/01356 be DEFERRED to allow Officers to negotiate with the applicant regarding the removal of the access gate and reinstatement of the hedgerow.

94 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.50pm for a short break and reconvened at 7.54pm.

95 APPLICATION NO DOV/16/01342 - LAND ADJACENT TO THE HOPE INN, CANTERBURY ROAD, LYDDEN

The Committee viewed plans, drawings and photographs of the application site. The Planning Consultant advised that the application was a reserved matters application pursuant to planning permission granted for DOV/14/00494. Following discussions with the applicant, the plans for a detached dwelling had been amended to reduce the scale, bulk and mass, including changing the proposed detached garage so that it was now attached to the dwelling. A number of conditions were proposed, including the retention of the garage for parking.

Councillor Beresford commented that the proposed dwelling would be much smaller on the side nearest the Hope Inn which was to be welcomed. In response to concerns expressed by some Members over the height of the proposed dwelling, it was confirmed that the application site was lower than the former public house and the dwelling would be the same height as the Hope Inn. No condition on height had been imposed as part of the original application. It was clarified that no additional bin stores would be provided. Members were advised that the issue of access and the use of the private driveway by construction vehicles was a civil matter.

RESOLVED: (a) That Application No DOV/16/01342 be APPROVED subject to the following conditions:

- (i) Time limits;
- (ii) In accordance with approved plans;
- (iii) Obscure-glazed windows;
- (iv) Garage to be retained for parking;

- (v) Boundary treatments to be retained;
 - (vi) Drainage details to be submitted prior to commencement;
 - (vii) Limit working hours.
- (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.

96 APPLICATION NO DOV/16/00924 - WALMER AND KINGSDOWN GOLF CLUB, THE LEAS, KINGSDOWN

Members were shown plans and photographs of the application site which had a significant planning history and lay within the Kent Downs AONB. The Planning Consultant advised that the application sought planning permission for the erection of a green-keeper's maintenance building. Changes had been made to the plans during the life of the application in order to address concerns raised by Officers and the Planning Inspector when dismissing an appeal lodged against the refusal of a 2015 application. However, the site lay within a particularly sensitive part of the AONB with far-reaching views. The proposed development would also be visible from several Public Rights of Ways (PROW). Whilst the need for such a facility was accepted, this was not a suitable location for it. The Council's ecologist had also recommended refusal. If refused, the applicants would be advised to seek pre-application advice.

Councillor Bond questioned why a suitable site had not been agreed with the applicant after 18 months and, apparently, meetings being held on site with Officers. Councillor Gardner suggested that a site visit should be held to identify where the building should go. However, the Chairman reminded Members that site visits were not designed for this purpose.

RESOLVED: That Application No DOV/16/00924 be REFUSED for the following reasons:

- (i) The proposals, by virtue of the scale, form, siting, location and appearance in the Kent Downs Area of Outstanding Natural Beauty and Heritage Coast, would introduce an inappropriate, intrusive and harmful form of development into a part of the district that is renowned for its natural beauty and character, thereby being contrary to Dover District Local Plan Policy CO5, Core Strategy Policies DM15 and DM16, the aims and objectives of the National Planning Policy Framework, in particular paragraphs 17, 56, 64, 109, 114 and 115, and Policies LLC1 and LLC6 of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019.
- (ii) The proposal, by virtue of its siting on chalk (calcareous) grassland, would result in a loss of important ecological habitats without any compensatory measures for this loss, thereby being contrary to Core Strategy Policies CS7, DM15

and the aims and objectives of paragraph 18 of the National Planning Policy Framework.

97 APPLICATION NO DOV/17/00387 - PART OF WINGHAM COURT, HAWARDEN PLACE, CANTERBURY ROAD, WINGHAM

The Committee viewed plans, drawings and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of 15 extra care units which would be limited to occupation by residents over 55 years of age in receipt of a care package. The site was within settlement confines and development was therefore considered acceptable. The site was also the main access point into Wingham Court and other dwellings. A previous application had been refused and dismissed at appeal. This was a material consideration when determining the application before Committee.

The proposed use of the existing access was considered acceptable. The proposed conversion of Goose Barn was supported by a structural report which indicated that the building was in a poor state of repair but capable of being converted. Officers considered that the benefits of converting the building would outweigh any harm caused as its long-term future would be secured. The previous application would have led to the loss of a tree screen, and the current application sought to retain all of the existing trees by using narrower elevations and reducing the number of units on this side of the scheme. Changes had been made to the layout, form, massing and design of the scheme. Particular concerns had previously been raised about the visual prominence of the development from School Lane. The development had now been staggered in its appearance to address these. The designs had been amended to avoid unnecessary height and were now more sympathetic to the rural character of the area. In particular, the three-storey building had been relocated to a less prominent position.

In respect of listed buildings and the Conservation Area, it was considered that the potential for harm had been significantly reduced and mitigated by the proposed landscaping, such that it was now considered that the development would not cause unacceptable harm to heritage assets or the character and appearance of the area more generally. The scheme would also provide much-needed specialist housing and secure the future of Goose Barn, a listed building. Whilst a balanced case, it was recommended that planning permission should be granted.

In response to Councillor Gardner, the Principal Planner reported that, following discussions, the applicant had confirmed that the wall fronting School Lane would not be rebuilt but retained. It was clarified that plans submitted with the application indicated that the access would be widened to provide 49 metres of visibility in both directions. A tracking plan had also been provided, showing how vehicles would enter and leave the site. Access proposals were the same as those submitted with the previously refused application, but had not been included in the reasons for refusal and the Planning Inspector had made no comments about them. It was also clarified that it would be unreasonable to require the developer to provide a link between the existing PROWs since it was not needed to make the application acceptable in planning terms.

It was moved by Councillor L A Keen and duly seconded that the application should be deferred for an independent highway safety audit and clarification regarding the future of the wall along School Lane.

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

It was moved by Councillor P M Beresford and duly seconded and

RESOLVED: (a) That, subject to a Section 106 Agreement to secure necessary planning contributions and to secure the specified use of the development, Application No DOV/17/00387 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Full details of landscaping, including protection of retained trees;
- (iii) Provision and retention of car parking, including details of drainage;
- (iv) Provision and retention of cycle parking;
- (v) Full details of surface water drainage scheme, including long-term maintenance;
- (vi) Details of foul drainage;
- (vii) Visibility splays to be provided and retained;
- (viii) Full details of measures to protect and enhance ecology and safeguard protected species;
- (ix) Full details of all external lighting;
- (x) Full details of works to convert the Goose Barn;
- (xi) Samples of materials;
- (xii) Archaeological field evaluation;
- (xiii) Details of boundary treatments;
- (xiv) No meter boxes, vents, flues;
- (xv) Construction Management Plan;
- (xvi) Details of existing and proposed ground levels, including sections and details of thresholds;
- (xvii) Details of refuse and recycling;
- (xviii) Completion of access widening shown on drawing number 14-200-106.

(b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to

agree a Section 106 Agreement, in consultation with the Chairman of the Planning Committee, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

98 APPLICATION NO DOV/17/01022 - LAND ADJACENT TO 44 FOSTER WAY, DEAL

Members were shown plans and photographs of the application site. The Principal Planner advised that the application related to land adjacent to 44 Foster Way which had formerly been part of Dola Avenue. The site was situated at the end of a row of nine dwellings which were nearing completion. The access road to these dwellings was known as Belvedere Gardens. The Committee was reminded that planning permission had been granted at September's Planning Committee meeting for a dwelling to the north-east of Belvedere Gardens. That dwelling and the one which was the subject of the application before Committee were similar to the two dwellings refused and subsequently dismissed at appeal under a previous scheme. The Planning Inspector's decision was a material consideration and carried significant weight.

Under the new proposals, the dwelling would be even closer to 44 Foster Way, at 3.2 metres. Although the applicant proposed to remove a wall to reduce the tunnelling effect, this did not address the Planning Inspector's concerns. It was clarified that a single storey extension recently permitted at 42 Foster Way was only two metres in depth. The gap created by the application site provided a sense of openness in a densely developed area and refusal was therefore recommended.

Councillor D G Cronk commented that the proposed dwelling would be an over-development of the site and should be refused. Councillor Gardner agreed that it was a cramped site with too many houses. Both Councillors Bond and Ovenden commented that the site had been designed to be green space and should remain as such.

RESOLVED: (a) That Application No DOV/17/01022 be REFUSED for the following reasons:

- (i) The proposed development, by virtue of the location, layout, scale and design of the dwellings, together with their relationship with adjoining properties, would create a cramped and congested form of development, out of character with the pattern of development within the area. Consequently, the development would fail to integrate into, and cause harm to, the character and quality of the area, contrary to paragraphs 17, 58, 59, 60, 61 and 64 of the National Planning Policy Framework.
- (ii) The proposed dwelling, by virtue of its location, scale and relationship with No 44 Foster Way, would cause an unacceptable sense of enclosure to, and corresponding loss of outlook from, that property, resulting in an unacceptable loss of amenity, contrary to paragraphs 17, 58, 59 and 61 of the National Planning Policy Framework.

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

99 APPEALS AND INFORMAL HEARINGS

The Planning and Delivery Manager introduced the report which covered the period from July to September 2017. It was evident that the Council was losing one in two cases that went to appeal when the national average was one in three. The annual target was 15% but performance was currently 60%. However, in terms of the number of appeals lost against the Council's overall caseload, it was doing well. There was no discernible pattern and work was continuing to review refusals in order to improve performance.

RESOLVED: That the report be noted.

100 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 9.23 pm.