

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 17 September 2015 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
J S Back
S F Bannister
T J Bartlett
T A Bond (Items 44 to 48 only)
D P Murphy
A F Richardson
P M Wallace (Items 44 to 48 only)

Officers: Team Leader (Development Management)
Principal Planner (Renewable Energy)
Principal Planner
Solicitor to the Council
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/15/00336	Mr Mike Goddard	-----
DOV/13/01106	-----	Mr Chris Shaw

39 APOLOGIES

It was noted that an apology for absence had been received from Councillor B Gardner.

40 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

41 DECLARATIONS OF INTEREST

Councillor A F Richardson made a Voluntary Announcement of Other Interests in respect of Application Nos DOV/15/00336 (Denne Court Farm, Selson Lane, Woodnesborough) and DOV/13/01106 (Old Engine Shed, Sutton Court Farm) by reason of his employment with the Canterbury Archaeological Trust and the fact that archaeological conditions could potentially be attached, were the applications to be approved.

42 MINUTES

The minutes of the meeting held on 23 July 2015 were approved as a correct record and signed by the Chairman.

43 ITEMS DEFERRED

The Chairman advised that Application No DOV/14/01013 (The Beacon Church and Christian Centre, London Road, Dover) had been withdrawn. Omitted from the agenda was Application No DOV/15/00444 (Aylesham Village Expansion) which had been deferred at the meeting held on 23 July 2015. Further information was not yet available and the item would not therefore be considered at the meeting.

44 APPLICATION NO DOV/15/00336 - DENNE COURT FARM, SELSON LANE, WOODNESBOROUGH

The Committee viewed photographs and plans of the site. The Principal Planner advised Members that the proposal involved the conversion and extension of a stable building known as The Piggery to provide three holiday lets. Two new buildings would be erected to provide three dwellings, with all existing buildings, aside from The Piggery, to be demolished.

The site lay within the countryside where new residential development would not normally be permitted, the erection of new residential buildings being contrary to Policy DM1 of the Core Strategy. However, the conversion of the existing stable building and its use for holiday lets was supported by Policy DM4 and therefore considered acceptable. That said, since the District was unable to demonstrate a five-year housing land supply, the Committee was required to consider the application against the National Planning Policy Framework (NPPF) as a whole but, in particular, paragraphs 29 and 55 which sought to provide a sustainable pattern of development.

The site was situated around 1.2 kilometres from Eastry, reached via Selson Lane which was an unlit country road with no footpaths. As well as poor pedestrian links, access to a regular bus service was extremely limited. These factors had led Officers to believe that residents of the development would be dependent on private modes of transport, and the development was therefore considered unsustainable. Although the NPPF directed that such isolated developments could be approved in exceptional circumstances, the applicant's contention that it was of exceptional quality was not accepted by Officers who did not consider that the development would significantly improve the character of the area.

The applicant had made reference to the granting of planning permission for the Hammill Brickworks site nearby. However, although that development had been contrary to the Development Plan, permission had been granted on the basis of its substantial economic benefits, including 86 jobs, contamination remediation and the provision of a significant number of dwellings.

Whilst the development would not cause any significant harm in terms of its impact on the character and appearance of the area, vehicle movements, residential amenity, ecology and contamination, no substantive benefits would be provided which would demonstrate that there were exceptional circumstances warranting approval of this isolated development. Moreover, although the development would contribute towards the district's housing supply, and provide a short-term economic benefit during construction, it would be located where it would have poor accessibility to facilities and services and thus be heavily dependent on unsustainable forms of transport.

Councillor J S Back made reference to the fact that Kent County Council (KCC) Highways, the Environment Agency and Woodnesborough Parish Council had raised no objections to the proposal. This was a brownfield site whose development would have a positive impact on its rural setting. Moreover, the

development was likely to generate fewer traffic movements than the existing use. Together with the economic and environmental benefits, he argued that the application should be approved. Councillor B W Butcher agreed that derelict sites such as the application site should be developed and not discounted because of their size.

The Chairman reminded Members that the Officer's report set out how the application failed to meet the sustainability tests of the Core Strategy and NPPF. In considering the application, the Committee would need to weigh up any benefits against these. Members should also be mindful that sustainability encompassed not just transport but the impact of development on local communities.

Councillor A F Richardson commended the report which he believed reached a reasonable conclusion. However, it was also reasonable for the Committee to reach a different view. The proposed holiday lets would be of substantial benefit to the area, and were acceptable in policy terms. In his view, the site was not particularly isolated from Eastry and, in any case, it was an accepted part of country living that access to private transport was essential. The site already generated a number of vehicle movements. Whilst he was keen to protect the countryside, there were occasions when the re-development of brownfield sites was appropriate and should be supported. Development of the site would boost tourism and the district's housing land supply and remediate contaminated land. These factors outweighed any concerns relating to transport sustainability.

In response to a query from Councillor S F Bannister, the Principal Planner advised that the Code for Sustainable Homes had been revoked by the Deregulation Bill 2015. Conditions could not be attached to mitigate against environmental impacts. However, an informative could be added. Councillor Bannister added that the proposed holiday dwellings were of a high standard of architectural design, but raised concerns regarding permanent occupation. The Solicitor to the Council advised that it would be possible to attach a condition to ensure that they could not be permanently occupied.

The Principal Planner clarified that the NPPF defined brownfield land as land which is or had been occupied by a permanent structure and with a fixed surface. The application site was now used as livery stables, agricultural activities having ceased some years previously. The site was therefore categorised as brownfield land.

In response to some Members who stated that they felt uncomfortable determining a fellow Member's planning application, the Chairman advised that, unless they were closely associated with the applicant, it was perfectly legitimate for them to determine the application. There was, in any case, no real alternative given that it was an application for a site within the District and had come to the Committee through the normal procedures.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/15/00336 be APPROVED on the following grounds: (i) The redevelopment of a brownfield site; (ii) Its positive impact on the rural setting due to its high standard of architectural design; (iii) Its economic and environmental benefits, including the impact on local tourism and contamination remediation; and iv) The Committee does not consider that the site is as isolated as has been concluded by Officers.

(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.

- (c) Informative: That the applicant considers the former Code for Sustainable Homes, with a view to ensuring that the development is constructed in a sustainable manner.

45 APPLICATION NO DOV/13/01106 - OLD ENGINE SHED, SUTTON COURT FARM (LAND BETWEEN PINEHAM AND EAST LANGDON)

The Committee was shown photographs and plans of the site. The Principal Planner (Renewable Energy) advised that the application site had been reduced from 22.7 hectares to 10 hectares following concerns raised by Officers when the application was originally submitted in December 2013. The proposal was for an intensive set of arrays on a hillside located to the south-east of Archers Court Road and to the east of the A256. Members were advised that recommendation II of the report had been included in error.

The revised scheme now comprised wholly 3A or Best and Most Versatile (BMV) agricultural land. Whilst this land was of a lesser quality than that previously included in the scheme it was, nevertheless, agricultural land which the Government was seeking to retain. The applicant's argument that the loss of BMV land was temporary was not accepted by Officers on the basis that several appeal decisions had taken the view that 25 years amounted to a generation, during which time the BMV land would not be available for the most productive of agricultural uses. Although the site was well screened in parts, and from many viewpoints only glimpsed views would be seen, there would be an adverse visual impact from short sections of Waldershare Lane and the public footpath.

Officers also disagreed with the conclusions reached by the applicant on the availability of alternative sites. The assessment made by the applicant for discounting sites such as Snowdown and Tilmanstone was flawed, and the case for using the application land therefore not proven.

In summary, the proposal would mean the significant loss of BMV agricultural land which was in conflict with the NPPF and National Planning Practice Guidance. Moreover, there would be limited harm caused by the development's visual impact. For these reasons, Officers recommended that the application should be refused.

RESOLVED: That Application No DOV/13/01106 be REFUSED on the following grounds:

- (a) The proposed solar farm would result in the loss of a significant area of Best and Most Versatile agricultural land and, in the opinion of the Local Planning Authority, it has not been demonstrated that development of the agricultural land is necessary or that no suitable previously developed sites or sites of lower agricultural land are available. The proposal would therefore be contrary to paragraph 013 (renewable and low carbon energy) of the National Planning Practice Guidance and paragraph 112 of the National Planning Policy Framework.
- (b) The proposed solar farm, by reason of its scale, prominence and urbanising impact, which could not be negated from localised

views, would appear as an incongruous and alien feature in the open countryside which would cause harm to its character and appearance contrary to Policy DM15 of the Dover District Core Strategy, the National Planning Policy Framework, which recognises the intrinsic character and beauty of the countryside, and the National Planning Practice Guidance which seeks to avoid the negative impact of solar farms in undulating landscapes.

46 APPLICATION NO DOV/15/00602 - 6 NORTH ROAD, KINGSDOWN

Members viewed photographs and plans of the site. The Team Leader (Development Management) advised that the application sought permission for the erection of a rear dormer roof extension. Several amended plans had been received, gradually reducing the width of the dormer from 2.1 metres in width to 1.2 metres wide. This width was now considered acceptable and mirrored the proportions of the 2012 scheme, permission for which had now lapsed. As outlined in the report, a Kingsdown Conservation Area Appraisal (KCAA) had been drafted but had not yet been adopted by the Council. This recognised the existence of rear dormers in North Road. Kingsdown Parish Council objected to the application and had raised concerns that the application would be determined before the KCAA had been adopted. As a consequence, it had requested that the application be deferred. However, Officers advised that this would not be a legitimate reason to defer and that Members were obliged to determine the application as submitted. With the reduction in width, and the intention to use white-painted timber windows, Officers considered that the proposed extension would appear modest on the rear roof slope, and recommended that the application be approved.

Councillor T A Bond commented that the amended plans were an improvement on those submitted previously. An additional dormer window would not have a significant visual impact since there was already a dormer window and roof-light in the street. In any case, this rear view was not generally visible to members of the public.

RESOLVED: (a) That Application No DOV/15/00602 be APPROVED subject to the following conditions:

- (i) Timescale of commencement of development;
 - (ii) A list of the approved plans (which includes material details);
- (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.

47 APPEALS AND INFORMAL HEARINGS

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

48 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 7.08 pm.