

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 22 March 2018 at 6.02 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher  
S F Bannister  
P M Beresford  
T A Bond  
M D Conolly  
D G Cronk  
B Gardner  
M J Ovenden  
P M Wallace

Officers: Team Leader (Development Management)  
Development Planner (Kent County Council Highways)  
Principal Planner  
Senior Planner  
Planning Officer  
Planning Officer  
Planning Consultant  
Principal Heritage Officer  
Planning Solicitor  
Democratic Services Officer

Also in attendance: Councillor P D Jull

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/17/01527	Mrs Rachael Laughland	-----
DOV/17/00876	Mr Martyn Holder	Councillor P I Carter Councillor M J Holloway Mr Chris Cooper
DOV/16/01476	Mr David Huggett	-----
DOV/16/01365 & DOV/16/01366	Mr Harry Kenton	-----
DOV/18/00065	Mr Duncan Scott	-----

170 APOLOGIES

It was noted that an apology for absence had been received from Councillor D P Murphy.

171 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor M D Conolly had been appointed as a substitute member for Councillor D P Murphy.

172 DECLARATIONS OF INTEREST

Councillor B Gardner made a Voluntary Announcement of Other Interests in Agenda Item 8 (Application No DOV/16/01476 – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden) by reason that he was a Dover District Council trustee of the Mary Hougham Almshouses charity which was looking to buy affordable houses, potentially at this site.

Councillor D G Cronk declared an Other Significant Interest in Agenda Item 8 (Application No DOV/16/01476 – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden) by reason that he lived at 6 Roman Close.

Councillor M D Conolly declared an Other Significant Interest in Agenda Item 13 (Application No DOV/18/00065 – Land between Look Cottage and Rose Cottage, The Forstal, Preston) by reason that the applicant was a personal friend.

173 MINUTES

The Minutes of the meeting held on 22 March 2018 were approved as a correct record and signed by the Chairman.

174 ITEMS DEFERRED

The Chairman advised that all of the items listed were dealt with elsewhere on the agenda.

175 APPLICATION NO DOV/17/01527 - LAND AT WOOTTON PARK HOUSE, WOOTTON LANE, WOOTTON

The Committee was shown drawings, plans and photographs of the application site. The Planning Consultant advised that the application sought planning permission for the erection of a detached 5-bedroomed house on a site which was in the hamlet of Wootton and outside the settlement confines of an urban area or village. Wootton did not have village status and was therefore considered to be in the countryside. As such, the development was contrary to Core Strategy Policies DM1, DM11, DM15 and DM16 which sought to prevent unsustainable development in the countryside. In addition, the site fell within the Kent Downs Area of Outstanding Natural Beauty (AONB) and within the Wootton Conservation Area (CA). The former enjoyed the highest level of protection, and the site's location in a CA meant that there was a statutory duty on the Local Planning Authority (LPA) to preserve and enhance the character and appearance of the CA. The site was also within close proximity to St Martin's Parish Church, a Grade II\*-listed building which required the LPA to ensure that special regard was given to preserving the setting of the building and any features of special architectural or historic interest. If the application were refused, an amendment would need to be made to the wording of the second reason for refusal.

As updates to the report, the Planning Consultant advised that the Kent Archaeological Unit had requested a condition for a watching brief if the application were approved. The Kent Downs AONB Unit had also responded, raising concerns about views from the unmade track to the north of the site in winter and commenting that the dwelling would appear as an unnatural extension of the built form of the village, at odds with the rural character of the locality and out-of-keeping with the settlement pattern in this historic rural settlement and, as such, failed to conserve and enhance the Kent Downs AONB. The proposal was therefore considered to be

in conflict with the Kent Downs AONB Management Plan, in particular policies SD1, SD2 and SD9.

Paragraph 55 of the National Planning Policy Framework (NPPF) permitted development in the countryside under special circumstances, including where the proposed dwelling was of an exceptional quality or innovative design. However, whilst Officers considered the dwelling to be well designed, it was not exceptional or innovative. The applicant had also suggested that their special circumstances outweighed the harm that would be caused. These special circumstances were principally that the development would allow the applicant's daughter to live in the hamlet, in close proximity to her family. Several letters of support had also been received. Members were reminded that planning permission went with the land and not with the personal circumstances of the applicant. The proposed development was a large dwelling and not of a size associated with start-up accommodation. Officers had suggested that the existing house could be extended or existing buildings reconfigured, but the applicant had rejected these suggestions.

Councillor B Gardner commented that the proposed dwelling was a nice house but in the wrong place. The LPA had clear policies which restricted development in hamlets and he proposed that the application should be refused. Councillor S F Bannister considered the application to be a difficult one to consider but, on balance, he agreed that it should be refused since the development would undoubtedly lead to additional car journeys and would cause harm to the countryside. He added that the Council had strong policies to support villages which were classified as such according to the services they had. Councillor T A Bond stated that arguments supporting an increase in the population of Wootton were illogical given that it was not a village but a hamlet which was protected from development by the Council's policies. The Committee would need strong grounds to override these.

Councillor M J Ovenden argued that there was a need for the dwelling in this location. The site was garden land and therefore regarded as previously developed land. The development would be well-screened and therefore more discreet than nearby development at the Deacon Landscapes site. Wootton had some facilities, such as a shop and bus service, and permitting this development would assist in safeguarding the hamlet's long-term vitality. Councillor M D Conolly argued that there would be a public benefit in that there would be an increase in the younger population of Wootton.

The Chairman clarified that the applicant's personal circumstances could be considered, but it was for the Committee to decide how much weight should be afforded to them when balanced against the LPA's policies. This was likely to be limited. The nearby development of eight houses had involved the re-use of a site on which there had been an industrial unit. The site's regeneration had been a direct public benefit and no comparison should be drawn with the application under consideration. The Council's policies protected hamlets to ensure that they did not grow into villages unless that was deemed desirable or necessary. He also argued that, contrary to some of the comments made, villages were traditionally places of residence for older people.

The Planning Consultant clarified that the NPPF defined brownfield land as land that is or was occupied by a permanent structure. Although the site was within the curtilage of an existing dwelling, it was not necessarily considered to be previously developed if it was green and part of a countryside setting. The Team Leader (Development Management) emphasised the sensitivity of the site and the

significant harm that would be caused by such a dwelling. National policies and the Council's Local Plan were very strict on prohibiting development in the countryside unless exceptional circumstances applied. Moreover, these policies attached great weight to conserving the scenic beauty of the AONB. The Committee needed to consider whether the applicant's personal circumstances were so compelling that they justified setting aside the protection of the AONB.

It was moved by Councillor M J Ovenden and duly seconded that the application be approved on the grounds that the proposed dwelling: (i) Would be a built form within a cluster of other buildings; (ii) On previously developed garden land; (iii) Could be effectively screened; and (iv) Would have a public benefit in that it would introduce more inhabitants to the village.

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

It was moved by Councillor B Gardner and duly seconded and

RESOLVED: (a) That Application No DOV/17/01527 be REFUSED on the following grounds:

(i) The proposed development would be located outside the confines of any settlement boundary, within the countryside and, without suitable justification, the proposal constitutes an unsustainable form of development, harmful to the rural character and appearance of the area, contrary to Policies DM1 and DM11 of the Dover District Core Strategy.

(ii) The proposed development, by reason of its scale, extent of development, location and prominence, would comprise an alien and intrusive form of development that encroaches into the countryside and the rural landscape, which would fail to conserve the landscape of the Kent Downs Area of Outstanding Natural Beauty (AONB), and harm the rural character and appearance of the area, contrary to Policies DM15 and DM16 of the Dover District Core Strategy and Paragraph 115 of the National Planning Policy Framework and Policies SD1, SD2 and SD9 of the Kent Downs AONB Management Plan.

(iii) The proposed driveway, by reason of its design, use of materials and prominence, would harm the visual amenities of the street scene and the rural character and appearance of the area, contrary to Paragraphs 17, 56, 59 and 61 of the National Planning Policy Framework.

(b) That powers be delegated to the Head of Regeneration and Development to settle the final wording of the reasons for refusal in line with the resolution of the Planning Committee.

176 APPLICATION NO DOV/17/00876 - WOODNESBOROUGH ROAD, SANDWICH

Members viewed drawings, plans and photographs of the application site. The Principal Planner advised that, since the report was written, Sandwich Town Council had submitted comments stating that, whilst it recognised the need for houses in Sandwich, it could not support the application in its current form due to the lack of provision/access to the Sandwich by-pass.

The application sought planning permission for the erection of 120 dwellings on a site which had been allocated for development under policy LA16 of the Land Allocations Local Plan (LALP), subject to the application meeting the criteria. The site was 700 metres from Sandwich railway station, 100 metres from bus-stops on Woodnesborough Road and 500 metres from more regular bus services on Dover and Deal Roads. The proposed access would be onto Woodnesborough Road, with a secondary, emergency access onto St Bart's Road, both of which were required under policy LA16. The development would comprise a predominantly block layout with a swathe of green open space on the Woodnesborough Road frontage. A Public Right of Way (PROW) ran through the site which would be upgraded. The hedges would be retained and bollards added to prevent vehicular access to the PROW. Whilst the proposed dwellings were not locally distinctive, it was considered that the scale, appearance and mix of materials would not detract from the character of the area.

Concerns had been raised about the impact of the development on the local highway network. The applicant had submitted further information in response to comments made by Kent County Council (KCC) Highways and alterations to the surrounding roads had been proposed. These alterations included the extension of the 30-mile per hour speed limit further along Woodnesborough Road to the west, the provision of double yellow lines around the bend in the road, two short stretches of single yellow lines outside the primary school, and a pedestrian crossing to provide a footpath link on the northern side of the road.

The development would provide 36 affordable houses which was compliant with the LPA's 30% requirement. A total of £815,000 in financial contributions would be made to deliver infrastructure in the local area to meet the needs of the development. Ecological reports and species surveys had been submitted. The development accorded with the criteria set out in policy LA16 and approval was therefore recommended.

Councillor B W Butcher pointed to existing congestion in the town whose roads were not designed for modern-day traffic. Residents of the new development would have no choice but to go through the town if they wanted to travel to Thanet. There had been several accidents around St Bart's Road and on the bend in Woodnesborough Road. Woodnesborough was already a congested village and traffic from the new development heading towards Canterbury would make this worse. He recognised the need for more houses but not without direct access to the by-pass to relieve congestion in the town. With the support of Councillor Gardner, he moved that the application should be refused. Councillor Gardner welcomed the provision of 30% affordable housing. However, he could not support the development with the proposed access which was unacceptable. Councillor P M Wallace noted the level of opposition to the scheme and agreed that providing the access on Woodnesborough Road was wrong.

The Chairman referred to policy LA16 which required that access should be onto Woodnesborough Road. The application complied with this criterion. KCC Highways had also found the access arrangements acceptable. The KCC Highways Development Planner clarified that KCC Highways had initially made a holding objection until further information had been provided. This was standard practice. The projected trip rates were robust given that the development was close to a railway station, bus services and local schools. There had been no pattern or cluster of accidents on Woodnesborough Road to suggest that improvements needed to be made. The distribution of traffic through the town would depend on

where residents went to work. Half of the traffic movements were likely to go via St Bart's Road and the remainder would be split between Woodnesborough Road and Dover Road. It was predicted that the scheme would generate 22 two-way movements during peak hours from Woodnesborough Road through the town. This was not considered to be a severe impact.

Several Members disputed the projected traffic figures. They also referred to the lack of a footpath on the development side of Woodnesborough Road, as well as the insufficient number of one or two-bedroom homes included in the scheme. There were no shops or other facilities within easy walking distance. Comments were also made that further information was needed in relation to drainage and contamination. The Chairman advised the Committee that if it refused the application it would be going against professional advice and statistics. The KCC Highways Development Planner advised that the number of parking spaces provided did not correlate to trip rates as the latter depended on whether people worked from home or not at all. The provision of a slip road to provide access onto the by-pass had not been considered.

In response to concerns raised about drainage, the Principal Planner reported that Southern Water was proposing to install a new pumping station with hydraulic capacity. Sunken crates would be provided to deal with surface water. These would store water in the event of heavy rainfall and were designed to cope with a 1 in 200-year storm event. He reminded Members that the site had been allocated for up to 120 dwellings, and had been subject to scrutiny by a Planning Inspector as part of the Local Plan process. The proposed access arrangements were in accordance with policy LA16. There was a real prospect that the LPA would lose the case on appeal if the Committee refused on highways grounds without providing solid evidential reasons.

The Chairman reiterated this advice and suggested that deferring the application for an independent traffic survey would be a better solution as this could potentially provide the Committee with the evidence it needed. With the agreement of his seconder, Councillor Butcher agreed to withdraw his motion to refuse the application.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/17/00876 be DEFERRED for an independent highways assessment, the detail and scope of which to be delegated to Officers in consultation with the Chairman, the three ward Members and Councillor B Gardner (the Planning Committee Spokesman).

177 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.59pm for a short break and reconvened at 8.05pm.

178 APPLICATION NO DOV/16/01476 - LAND TO THE REAR OF HYTON DRIVE AND ROMAN CLOSE, CHURCH LANE, SHOLDEN

The Committee was shown drawings, plans and photographs of the application site. The Senior Planner reminded Members that the application had been deferred on two previous occasions, most recently at the meeting held on 25 January 2018 when it had been deferred to enable the Committee to receive the raw data from the applicant's transport assessment. These data were included in the tables on pages 74, 75 and 76 of the report. An increase in traffic movements above 5% was considered to be a material change. The data indicated that two junctions would

experience a change above 5% in morning and afternoon peak hours. However, these had been assessed and it was considered that they had the capacity to absorb the additional traffic.

Members were reminded that the site lay on the edge of the Timperley Place development recently constructed by Persimmon. A large part of the site was arable land with some farm buildings still present. The whole site (including the Timperley Place development) had been allocated for development under policy LA13 of the LALP, for the construction of up to 230 dwellings. The figure of 230 had been an estimated capacity, not an upper limit, and Officers considered that there was space for 70 additional dwellings on the site. The development would offer 21 units of affordable housing which had now been better distributed around the site. The Southwall Dyke connection had been made and was flowing.

Concerns had been raised about the presence of bats at the site. Some buildings could not be accessed at the time of the original ecological study. An additional study had subsequently been undertaken which had investigated all the farm buildings. The Council's Ecology Officer was now satisfied that there were no bats roosting at the site. However, a condition would be attached to require the provision of two bat boxes. The existing estate road would be widened to accommodate the extra vehicular movements. The applicant had also agreed to the full range of contributions, totalling £477,000. For these reasons, and given that the traffic data had now been provided, it was recommended that planning permission should be granted.

Councillors Bond and Gardner welcomed the additional information provided on drainage and bats. However, Councillor Bond was unhappy that the figures from the North Deal Study were unavailable and that the risk to the wider sewerage network had not been quantified. Notwithstanding that the traffic data had now been provided, Councillor Gardner was not convinced that the road or drainage networks could cope with the proposed development. The KCC Highways Development Planner clarified that figures gleaned from traffic counts carried out in November would not be based on the full occupation of Timperley Place as not all the units had been occupied at that time. The estimates provided in the report were based on trip rates agreed at the time of the application. Such rates were based on national data and used to estimate traffic movements where development had not yet been built. The Chairman reminded Councillor Bond that it had been made very clear to the Committee that the results of the North Deal Study would not be available for its consideration.

The KCC Highways Development Planner emphasised that some figures would always be estimates given that committed development had not yet been built. In response to Councillor P M Beresford, he confirmed that roads within the development would remain private and unadopted, and it would be the developer's responsibility to maintain them.

The Senior Planner advised that the condition relating to foul and surface water disposal was very strict. The foul sewage drainage scheme proposed by the developer was required to be fully implemented and operational before first occupation. Moreover, it would be subject to approval by the LPA and other relevant authorities. This requirement could be extended to the surface water scheme. It was emphasised that there was likely to be an improvement in the wider flood risk as there would be restrictions on water draining into the sewer and into Southwall Dyke. Further information in this regard had been set out in paragraph 2.2 onwards of the report to the January Planning Committee meeting.

The Chairman doubted that the vehicular movements were anywhere near a level that could be considered to be significantly harmful. Councillor Bannister added that with the additional information provided on traffic and bats, there were no grounds on which to refuse the application. At his request, the Chairman advised that the removal of the leylandii trees could probably be included in the landscaping plan and the applicant informed accordingly.

RESOLVED: (a) That, subject to the submission and agreement of a Section 106 legal agreement to secure contributions, Application No DOV/16/01476 be APPROVED subject to the following conditions:

- (i) Time;
- (ii) Approved drawings;
- (ii) Samples;
- (iv) Landscaping (schedule of species);
- (v) Provision of affordable housing;
- (vi) Management plan open space;
- (vii) Units 10-14, first-floor rear, obscure glazing level 4, non-opening up to 1.7 metres;
- (viii) Permitted development restrictions to prevent parking in front gardens (where provided);
- (ix) Contaminated land;
- (x) Archaeology field evaluation and safeguarding as necessary, including measures to prevent dust emissions;
- (xi) Foul and surface water sewerage disposal;
- (xii) Implementation of SUDS before occupation;
- (xiii) Verification of SUDS work;
- (xiv) Protection of public sewerage and water supply apparatus;
- (xv) Penetrative foundation works to be agreed;
- (xvi) Ground-floor finished levels 5 metres above ODN;
- (xvii) Sections and thresholds;
- (xviii) Ecology enhancement/mitigation measures, including hedgehog access;
- (ixx) Measures to prevent discharge of surface water onto highway;

- (xx) Provision and retention of parking spaces;
- (xxi) Provision and retention of turning areas;
- (xxii) Bound surface 5 metres from edge of highway;
- (xxiii) Provision of cycle parking (at rate of: Houses - 1 per bedroom; Flats - 1 per dwelling);
- (xxiv) Travel plan;
- (xxv) Details and provision of pedestrian link to Southwall Road;
- (xxvi) Completion of alterations to Hyton Drive and Cornfield Row before use of site commences;
- (xxvii) Completion of works between a dwelling and adopted highway before occupation of dwelling;
- (xxviii) Construction Management Plan (including dust management plan) – routing of HGVs, timing of HGV and other deliveries (not permitted during school drop-off and pick-up times), parking and turning areas for site personnel, wheel-washing, site access arrangements, temporary traffic arrangements as necessary, hours of working, machinery to be used, measures to prevent noise emissions, no burning on site;
- (xxix) Bat boxes.

(b) That powers be delegated to the Head of Regeneration and Development to settle the Section 106 legal agreement, any other agreements, and any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

(Councillor D G Cronk withdrew from the Council Chamber during consideration of this item.)

179 APPLICATION NO DOV/17/01504 - LAND ADJACENT TO PEGASUS, LONDON ROAD, SHOLDEN

The Committee was shown drawings, plans and photographs of the application site which was located north-west of the urban confines. The Senior Planner advised that two representations had been submitted since the report was published. The applicant had advised that the site had been sold to him in its current condition. Sholden Parish Council had undertaken its own traffic count on London Road and had requested that the application be deferred. The count showed a number of vehicle movements but provided no analysis. The Parish Council had also referred to the dismissal of an appeal relating to a nearby dwelling called Ingleside.

The Committee was advised that the site was formerly part of the garden of a dwelling known as Pegasus. Planning permission had been granted for one

dwelling on the site at a time when the Council could not demonstrate a 5-year housing land supply. The application now sought planning permission for two dwellings. KCC Highways had advised that the development was likely to lead to one or two additional traffic movements in peak hours which did not constitute a severe impact. Certain elements of the Local Plan were now considered to be out-of-date which meant that paragraph 14 of the NPPF should be given due consideration. This presumed that permission should be granted unless the harmful impact of doing so would significantly and demonstrably outweigh the benefits.

Several Members commented that, whilst the application site was outside the confines, it was adjacent to them and on bus, cycle and pedestrian routes. The principle of development on the site had been established by the granting of permission for one dwelling which had been larger in scale. Splitting the development into two smaller houses was an improvement.

RESOLVED: (a) That Application No DOV/17/01504 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Drawings;
- (iii) Samples;
- (iv) Obscure glazing and bricked-up window to be retained as such in perpetuity;
- (v) Landscaping plan;
- (vi) Removal of existing fence at north-west and north-east boundaries;
- (vii) Refuse bins;
- (viii) Cycle parking;
- (ix) Parking and turning area to be retained as such;
- (x) No surface water on highway;
- (xi) Sustainable Drainage System;
- (xii) Removal of permitted development rights – Class A (extensions), Class B (roof extensions);
- (xiii) No garages in rear gardens or vehicular access to rear gardens;
- (xiv) Archaeology;
- (xv) Construction 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.

180 APPLICATION NOS DOV/16/01365 AND DOV/16/01366 - LONG LANE FARM, LONG LANE, SHEPHERDSWELL

Members viewed drawings, plans and photographs of the application site. The Principal Planner reminded the Committee that the applications had been deferred by the Committee in February in order for a site visit to be held, and for Officers to assess the additional information submitted shortly before the meeting. The first application sought planning permission for the demolition of several 20th-century agricultural buildings, the erection of a pair of semi-detached dwellings, the extension and conversion of a former milking parlour to one dwelling and the conversion of a barn to one dwelling. The second application was for listed building consent for the conversion of the curtilage-listed barn and milking parlour, the latter of which would be extended.

Whilst the LPA was required to determine applications in accordance with the Local Plan, Core Strategy Policies CP2 and CP3 were out-of-date and would therefore need to be afforded reduced weight. However, Policies DM1, DM15 and DM16 were up-to-date and carried full weight. Policy DM1 directed that development outside the settlement confines should not be granted unless it functionally required a rural location. Whilst Policy DM4 supported the conversion of buildings in rural areas in some instances, it was not considered that these circumstances applied here.

The application site was in an isolated, unsustainable location. From a heritage perspective, some of the proposed design features, such as the steps to the barn and the larch weatherboarding, were considered to be poorly related or inauthentic. Insufficient details had also been submitted on the condition of the barn or its timbers and which of these would be retained/removed. Moreover, the Council's Principal Heritage Officer had concerns about the way the barn would be subdivided. Due to the open character of the landscape, the site was visible in far-reaching views. It was accepted that the group of buildings, save for those listed, was unremarkable and their loss would have only a minor visual impact. However, the proposed development would introduce domestic features into the farmstead, along with garages, gardens, etc, thus fundamentally changing the character of the site from agricultural to domestic. Whilst the LPA would support the sensitive conversion of these buildings, it was not considered that the proposed scheme was sensitive nor that it was supported by the level of evidence required to justify the development or the extent of works to the listed buildings.

Councillor Gardner reported the outcome of the site visit which had been held to assess the impact of the scheme on the character of the area, the courtyard and listed farmhouse, and to consider the benefits of removing the unused buildings. The current site was dilapidated and some sort of development was clearly needed. However, the site visit panel disliked the design of the proposed semi-detached cottages, particularly the proposal to 'step' them. The panel felt that this would be unsympathetic to the listed farmhouse and sought a more traditional design. Despite several requests from Officers for more information on the structural condition of the barn and what would be saved/removed, this had not been forthcoming. In summary, the panel concluded that the impact of the proposals on the character of the area was acceptable. They also considered that the benefits of removing the disused buildings outweighed any harm. However, whilst Members

supported the development of the site, further information and a more sympathetic design for the cottages were required.

Councillor Ovenden agreed that development was needed given the parlous state of the buildings. However, the cottages should be positioned side by side to reflect the courtyard's historical layout. Councillor Bond questioned the need for the cottages, not being convinced by the financial argument for their inclusion in the scheme. Councillor Butcher added that the proposals for the barn were overly domesticated. The Chairman clarified that Officers were looking for a formal surveyor's report on the buildings, as well as further information about the cottages and how they underpinned the viability of the scheme. It was agreed that, whilst an informative should be added, this would not bind the Planning Committee should fresh applications be submitted.

**RESOLVED:** (a) That Application No DOV/16/01365 (Full Planning Permission) be REFUSED on the following grounds:

(i) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. As such, and in the absence of any special circumstances which indicate otherwise, the proposed development represents an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1 and DM4 and paragraphs 17, 29 and 55 of the National Planning Policy Framework.

(ii) The proposed development, by virtue of the design of, and proposed steps to, the barn and the creation of large private garden areas which would be highly visible in views from the east and south-east, would result in an intrusive and incongruous form of development which would adversely affect the character of the countryside and the character of the landscape, contrary to Dover District Core Strategy Policies DM15 and DM16 and paragraphs 17, 58, 61, 64 and 109 of the National Planning Policy Framework.

(iii) The proposed development, by virtue of the scale and form of the extension to, and detailed fenestration of, the former milking parlour and the scale, form and detailed design of the steps to the east of, and use of black stained horizontal weatherboarding to, the barn would cause less than substantial harm to the curtilage-listed buildings and the setting of the listed Long Lane Farm. In the absence of any public benefits which outweigh this harm, the development would be contrary to paragraphs 131, 132 and 134 of the National Planning Policy Framework.

(b) That Application No DOV/16/01366 (Listed Building Consent) be REFUSED on the following grounds:

(i) The proposed conversion of the barn to residential use would, by virtue of the subdivision of the internal space and detailed design, impose an overtly domestic character on the listed building causing detrimental harm to its historic and architectural character and appearance as a former agricultural building for which no overriding justification has been demonstrated, and would

therefore be contrary to Government guidance contained within the National Planning Policy Framework (2012).

(ii) The proposed conversion and extension of the milking parlour would, by virtue of detailed design, scale, form and orientation at right angles to the listed building, result in an overtly domestic character and appearance which is incongruous to its historic and architectural character and appearance as a former agricultural building, and result in the unnecessary loss of historic fabric, having a detrimental impact on the listed building for which no overriding justification has been demonstrated. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework (2012).

Informative: Whilst the application has been refused, members of the Planning Committee advised that they would be more likely to look sympathetically at new applications that: (i) Include a detailed timber survey and detailed structural survey which identify the condition of the existing buildings, the building fabric which would be lost and that which would be retained, and information regarding the heritage significance of the building fabric which would be lost and that which would be retained; and (ii) Propose new-build dwellings which are more sympathetically designed and positioned and which retain more of the original structure.

181 APPLICATION NO DOV/17/01376 - 32 THE BEACH (COAST HOUSE), WALMER

Members were shown drawings, plans and photographs of the application site. The Planning Officer advised Members that the application sought planning permission for the extension and conversion of an existing garage to provide ancillary accommodation. The site comprised a four-bedroomed, two-storey detached property and was situated within the Walmer Conservation Area. The site was visible from the beach and Clarendon Road and from some points in Liverpool Road. The extension would be finished in materials and replicate features that matched the host dwelling and garage. Off-street parking and a tree would be retained. A neighbouring dwelling had raised concerns about the impact on their sea view. Whilst sea views were not a material planning consideration, protecting a neighbour's outlook was and, in this regard, it was considered that the proposal would not create a significant sense of overbearing. Although a prominent site and visible from the street scene, the proposed accommodation was low level and did not therefore appear overly prominent within the wider area.

RESOLVED: (a) That Application No DOV/17/01376 be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) In accordance with the approved plans;
- (iii) Materials to be used shall match those used on the existing building;
- (iv) Large-scale elevational details shall be submitted relating to the brick or stone boundary walling;

(v) The bond and pattern of the brickwork shall match the existing;

(vi) Large-scale joinery details shall be submitted, including all new windows and doors;

(vii) Cross-sectional drawings shall be submitted of the parapet, moulding and eaves of the building hereby permitted;

(viii) The permitted building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 32 The Beach, Walmer. It shall not be severed from the main dwelling, sold off or used as rental property at any time, independent of the main dwelling.

(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.

182 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.

183 APPLICATION NO DOV/17/01230 - LAND REAR OF 117 MANOR ROAD AND ADJOINING 437 FOLKESTONE ROAD, DOVER

The Committee was shown plans, drawings and photographs of the application site which partly adjoined an AONB. The Planning Officer reminded Members that the application had been deferred at the last meeting for a site visit. The application sought permission for the erection of a detached chalet bungalow on a site which comprised part of the rear garden of 117 Manor Road. The proposed dwelling would use an existing access which was also currently used by the occupiers of 437 Folkestone Road and by school-children using playing fields to the south. Although further representations had been received since the report was written, these raised no new issues. It was proposed that an additional condition should be added requiring details of the existing and proposed site levels. It was also clarified that a window and juliet balcony on the first-floor side elevation had been removed. Officers considered that there would be no harm to the AONB or residential amenity and approval of the application was therefore recommended.

Councillor Gardner reported on the site visit which had been arranged to look at overlooking, loss of light and access arrangements. Given that the Juliet balcony and window had now been removed, concerns about overlooking had been addressed. Although the site was cramped, the proposed dwelling would be built at a lower level than surrounding properties. For this reason, site visit panel members were satisfied that there would be no significant loss of light. However, the access was very steep and narrow and therefore unsuitable for construction traffic. Materials would need to be dropped off at Folkestone Road and brought down to the site by wheelbarrow. In terms of longer term access, the path was regularly used by school-children from Dover College. It was recognised that the dwelling

would generate only one or two regular vehicle movements. Nevertheless, the site visit panel had concerns about their safety, particularly as the path curved round.

In response to queries from the Chairman, Councillor Gardner clarified that the access was too narrow for vehicles and children to pass each other at the same time. A car entering the path from Folkestone Road would have to reverse back out onto the road if a group of school-children was on the path and nearing Folkestone Road. It was also clarified that there was nowhere for cars to wait at the top of the path if coming from the direction of Dover. Councillor Wallace commented that the proposal had been amended and there were now no solid planning grounds on which to refuse the application. However, he had serious concerns about the access. The proposal was clearly contentious with local residents and his view was that the site was simply unsuitable for development. Councillor Conolly expressed his opposition to the proposal on the grounds of children's safety.

The Planning Officer advised that Dover College owned the path and playing fields. The college had given informal permission for all of the surrounding properties to use the path. The Chairman added that, whilst this permission could be removed, such matters were not material planning considerations and therefore not to be taken into account when determining the application. The Planning Officer reported that, following the site visit, discussions had been held with KCC Highways which had advised that the development was likely to generate 4-5 trips per day. This was not considered to be detrimental to highway safety, and there was therefore no basis for refusing the application on this ground. The Team Leader (Development Management) stressed that the letter from Dover College advised that the path was not currently being used by school-children but might be in the future. Councillors Gardner and Wallace contested this. Councillor Bannister questioned the likelihood of an accident occurring, particularly when cars would be unable to go down the path at speed. The Chairman agreed that, whilst there was a risk, it was a manageable one.

It was moved by Councillor B Gardner and duly seconded that Application No DOV/17/01230 be REFUSED on the grounds of the safety of the access lane.

On there being an equality of votes, the Chairman used his casting vote and the motion was LOST.

It was moved by Councillor T A Bond and duly seconded that Application No DOV/17/01230 be APPROVED as per the Officer's recommendation.

On there being an equality of votes, the Chairman used his casting vote and the motion was CARRIED.

RESOLVED: (a) That Application No DOV/17/01230 be APPROVED subject to the following conditions:

- (i) Timescale of commencement of development;
- (ii) A list of approved plans;
- (iii) Materials as confirmed by the applicant;
- (iv) Details of the access prior to commencement;

(v) Highway conditions to include: provision and permanent retention of parking spaces prior to first occupation; provision and retention of cycle parking facilities prior to first occupation;

(vi) Samples of materials;

(vii) Soft and hard landscaping details;

(viii) Details of foul and surface water;

(ix) Details of existing and proposed site levels.

(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.

184 APPLICATION NO DOV/18/00065 - LAND BETWEEN LOOK COTTAGE AND ROSE COTTAGE, THE FORSTAL, PRESTON

The Committee viewed drawings, plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a detached dwelling on a parcel of land that lay outside the village confines of Preston. Since the report was written, the applicant had submitted a revised planning statement and a flood drainage risk document, the former having been circulated to Committee members. A supportive representation had also been received from Councillor Mike Conolly.

Members were advised that the level of the application site was 0.5 metres higher than the level of the lane. The proposed dwelling would be of a substantial scale and height and would appear prominent in the surrounding area and, in particular, highly visible from the south. The applicant had stated that the purpose of the dwelling was to provide a home for his daughter and her four children in close proximity to her parents. However, these were not considered to be special circumstances. The application had also been called in on the grounds that the proposed dwelling was unique and innovative. However, this was not supported by evidence. Paragraph 14 of the NPPF established a presumption in favour of sustainable development which, in this case, would mean granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This proposal had limited benefits which were significantly outweighed by the harm that would be caused. It was therefore recommended that the application should be refused.

Councillor Bannister referred to the fact that the application site was outside the village confines and therefore contrary to Policy DM1. Whilst he admired the project which would enable several generations to live together, the LPA had a duty to protect the environment and the Committee should not go against the Council's planning policies. If permission were granted, it would inevitably encourage similar applications to develop on garden land in the countryside. In response to the Chairman, it was clarified that there was another dwelling in between the site and the confines which were 150 metres distant. Councillor Ovenden spoke in support of the proposal due to the personal circumstances of the applicant and its exceptional design.

Referring to paragraph 2.26 of the report, the Team Leader (Development Management) clarified that the site was technically regarded as previously developed land. The definition of previously developed land excluded gardens in built-up areas but the exclusion did not apply to gardens in rural areas. Whilst the site fell within the definition of previously developed land, in his view greater weight would be afforded to the application if it were related to the development of an industrial brownfield site. The issue of previously developed land would need to be weighed up by the Committee against what were considered to be more harmful impacts on the countryside, wider landscape and sustainable travel.

RESOLVED: (a) That Application No DOV/18/00065 be REFUSED on the grounds that the proposed development and its associated engineering works and alterations, if permitted, would result in an unjustified dwelling-house, outside of any defined urban or village confines, the need for which has not been demonstrated sufficiently to override normal restraint policies. The proposal would constitute unsustainable, unjustified sporadic residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car and would harm the rural character and appearance of the locality and the wider landscape contrary to Policies DM1, DM11, DM15 and DM16 of the Core Strategy and paragraphs 14, 17, 61 and 109 of the National Planning Policy Framework.

(b) That powers be delegated to the Head of Regeneration and Development to settle the final wording of the reasons for refusal in line with the resolution of the Planning Committee.

(Councillor M D Conolly left the Chamber after speaking for 3 minutes on this item.)

185 APPEALS AND INFORMAL HEARINGS

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

186 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 10.45 pm.