

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 19 July 2018 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

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

Officers: Team Leader (Development Management)
Principal Planner
Principal Planner
Principal Planner
Planning Consultant
Planning Delivery Manager
Development Planner (Kent County Council Highways)
Solicitor to the Council
Democratic Services Officer

Also in attendance: Councillor S S Chandler
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/18/00217	Mr Richard Taylor-Jones	Ms Eyvor Fogarty
DOV/18/00312	Ms Madylene Outen Councillor M J Holloway	-----
DOV/17/01522	Dr Kathy Butterworth	-----
DOV/17/01345	Mr Philip Rawle	Mr Derek Wanstall
DOV/18/00051	Mr Clive Tidmarsh	Councillor P M Brivio
DOV/18/00203	Mr Tim Chilvers	-----

24 APOLOGIES

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

25 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor S F Bannister had been appointed as a substitute member for Councillor P M Wallace.

26 DECLARATIONS OF INTEREST

Councillor B Gardner made a Voluntary Announcement of Other Interests in Agenda Items 9 (Application No DOV/17/01345 - Land at Churchfield Farm, The Street, Sholden) and 12 (Application No DOV/18/00203 - Land to the west of Albert Road, Deal) 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 these sites.

Councillor M J Ovenden made a Voluntary Announcement of Other Interests in Agenda Item 7 (Application No DOV/18/00312 - The Guildhall, Cattle Market, Sandwich) by reason that she had attended several meetings of the Sandwich Town Team where the scheme had been discussed.

27 MINUTES

The minutes of the meeting held on 21 June 2018 were approved as a correct record and signed by the Chairman.

28 ITEMS DEFERRED

The Chairman reported that there were no deferred items.

29 APPLICATION NO DOV/18/00217 - LAND AT 47 THE MARINA, DEAL

The Committee was shown drawings, plans and photographs of the application site which occupied an area of land to the side of no. 47 The Marina. The Planning Consultant advised that planning permission was sought for the erection of a dwelling-house with associated parking, cycle storage and refuse facilities, as well as the provision of parking spaces for the existing house. The design of the building was such that there was a strong vertical emphasis in order to enable the accommodation that was sought to be provided. Whilst the scheme was well designed, Officers considered that the building did not fit the site or its immediate context and, as a stand-alone building, was too close to neighbouring dwellings. As such it was considered that the proposed dwelling would harm the prevailing character and appearance of the area. Furthermore, Officers had concerns about the impact of the building on the windows of Marina Court, an adjacent block of flats. In clarification, Members were advised that there were four forward-facing windows at the side of Marina Court, and that the proposed building would be forward of these windows. The proposal was therefore recommended for refusal.

Councillor B Gardner agreed with the Officer's recommendation, stating that the proposed design would create a tunnelling effect. Councillor M R Eddy commented that, whilst the design was innovative, this was not the right location for it. The proposed dwelling was too big for the restricted plot and, moreover, would be out of keeping with the street scene. Councillor T A Bond disagreed, arguing that there was a mix of dwellings in the street scene. He accepted that the proposal could be regarded as an intensification of development but found the design acceptable.

RESOLVED: (a) That Application No DOV/18/00217 be REFUSED for the following reasons:

- (i) The proposed development, by reason of the restrictive size of the plot, the scale of the building, its design and prominence and general relationship with and proximity to the adjoining buildings, would appear incongruous in its context and would harm the visual quality of the street scene and the prevailing character and appearance of

the area, contrary to paragraphs 17, 56, 59, 60, 61 and 64 of the National Planning Policy Framework.

(ii) The proposed development would, by reason of its scale, location and proximity to the forward-facing side windows in Marina Court, result in a tunnelling impact and significant loss of outlook from those windows which would harm the living conditions of the occupiers of the dwellings these windows serve, contrary to paragraph 17 of the National Planning Policy Framework.

(b) That powers be delegated to the Head of Regeneration and Development to settle any necessary wording in line with the recommendation and as resolved by the Planning Committee.

30 APPLICATION NO DOV/18/00312 - THE GUILDHALL, CATTLE MARKET, SANDWICH

Members were shown drawings, plans and photographs of the application site which was a sensitive historic location. The Planning Consultant advised that planning permission was sought to carry out public improvement and highway works to one of the most important areas in the town centre, forming part of the New Vision for Sandwich project. Works to be carried out included resurfacing the square, replacing street furniture, landscaping, a new bus shelter and works to the highway. Extensive consultation had identified this area as being a priority for renovation. Planning approval was required in order to bid for funding from the Coastal Communities Fund.

As an update to the report, the Council's Senior Heritage Officer had provided further comments. Having considered the impact of the proposal, he had identified that there would be no harm arising and, therefore, paragraph 134 of the National Planning Policy Framework (NPPF) did not need to be considered. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 had been taken into account and it was considered that the works as a whole would preserve the setting of the listed buildings and the Sandwich Walled Town Conservation Area.

The highway works would be the subject of a separate process, including approval and conditions. Although it was possible that changes would be required to the planning permission as a result of the highways process, Officers considered that the application could be safely determined as it stood. The Planning Consultant read out a statement from the agent explaining site boundaries and the ownership of the land. Whilst there had been a number of objections to the proposal, it was considered that the proposal was of a high quality design, and met the three-fold requirement of environmental, social and economic benefits for a sustainable development. The Kent County Council (KCC) Development Planner clarified that KCC Highways had no objections in principle to the proposed highway alterations, and would continue working with the applicant, including with regard to a safety audit.

Councillor B W Butcher referred to the many people who had approached him about the proposals, largely welcoming the highway changes, but objecting to the plans for York paving and the removal of the tree and the bus shelter. Both were memorials, the latter having been erected in the 1990s following close consultation with the Council's conservation officer. It was therefore surprising to hear the shelter now described as not being in keeping with the area. He was largely

content with the rest of the proposals, including plans to re-site the memorial benches elsewhere in the town. However, he did have concerns that traders had apparently received no information as to whether they would be moved or not. Given the concerns raised by a significant number of residents, he would not be supporting the proposal.

The Planning Consultant advised that the choice of York stone paving material had been agreed with the Council's Senior Heritage Officer and was considered to be in keeping with the Conservation Area and the setting of the listed buildings. The bus shelter had been carefully designed, and would be a fully glazed box with historic etchings of Sandwich on the glass. LED lighting would be installed under the seats.

Councillor Eddy raised concerns regarding the use of York stone which could crack under pressure from vehicles and become slippery from moss growth. The Planning Consultant advised that the surfacing would be granite setts with York stone on the outside. The KCC Development Planner advised that York stone was already in use on the forecourt area. There were currently kerbs and bollards in place to prevent vehicles driving onto the area and the new proposals would be expected to replicate this. He confirmed that KCC Highways had no objections to the proposals in principle.

Councillor Gardner questioned why the highways element of the application had not been finalised, including the road safety audit. In his view the application was premature and he could not support it. Councillor Eddy added that it was premature to approve proposals which would affect the setting of a listed building when they might be amended as a result of the highways process. Councillor D G Cronk queried the changes proposed to the bus-stop arrangements, stating that these were one of the most important elements of the proposals given that they would facilitate people's access to the refurbished area. Councillor S F Bannister agreed, referring to the report which stated that KCC Highways had advised that the bus-stop arrangements would not work. He argued that, ordinarily, such comments would necessitate the inclusion of a condition to address the concerns raised. Councillor Bond raised concerns that there were no plans to retain the memorial benches and tree. He also disliked the modern design of the shelter which, in his opinion, would detract from the listed buildings.

The Chairman reminded Members that the proposals did not need planning permission. However, this had been applied for in order to assist with the funding bid. The proposals had taken some time to develop, and KCC Highways had only recently become involved in the process. It had not yet finished its assessment of the scheme but, if amendments were necessary, amended plans would need to be submitted. He advised Members to view it as an outline application which would come back to Committee if there were any material changes arising from the highways process which was completely separate.

The KCC Development Planner advised that KCC Highways would be content for a condition to be added requiring the submission of highways details. The bus-stop arrangements would be examined in detail but appeared broadly acceptable. It was unlikely that any amendments, if necessary, would be significant.

The Planning Consultant reminded the Committee that it would have the opportunity to consider different plans/drawings in the event that alterations were made to those already approved. There was certainly sufficient detail in the plans before Committee for it to make a decision on the application. The Team Leader

(Development Management) emphasised the fact that the Council's Senior Heritage Officer supported the application. Furthermore, there had been no objections from KCC Highways. Should the plans be revised, they would be re-advertised and subject to further consultation. The Solicitor to the Council added that arguments that there was insufficient detail for Members to approve the application or that planning permission should not be granted on the basis that the proposals might be amended were not sustainable.

It was moved by Councillor B Gardner and duly seconded that Application No DOV/18/00312 be REFUSED on the grounds that the highways element of the scheme as currently proposed was not viable.

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

The Planning Consultant advised that the application indicated that the existing tree plaque would be relocated. Details of this and plans for the relocation/retention/storage of the two plaques, public benches and shelter, together with a timetable, could be conditioned. Reflecting the concerns raised, the Chairman confirmed that any amendments made under a Section 73 application would come back to the Committee for determination.

It was moved by Councillor F J W Scales and duly seconded and

RESOLVED: (a) That Application No DOV/18/00312 be APPROVED subject to the following conditions:

- (i) Standard 3 years to implement the permission;
 - (ii) Approval of specific drawings;
 - (iii) Further details to be submitted with regard to lighting;
 - (iv) Construction Management Plan to be submitted for approval prior to development commencing;
 - (v) Before works of demolition, dismantling, removal or the felling of the existing tree take place on the site, and prior to the commencement of development hereby approved, details of the retention and relocation, and a timetable for their relocation, of the existing public benches, bus shelter and two plaques located on the site shall be submitted to, and approved in writing by, the Local Planning Authority. The relocation of these features shall take place fully in accordance with the approved details and timetable.
- (b) That any application made under Section 73 of the Town and Country Planning Act 1990 be brought back to the Planning Committee for determination.
- (c) 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.

Members viewed drawings, plans and photographs of the application site. The Planning Consultant advised that the application sought planning permission for the erection of a single storey side extension, the erection of a 1.8-metre fence around the perimeters of the school and the amendment of parking and access arrangements. The building was currently in use as a school providing a specialist education for children in care. The proposal would replace temporary classrooms, improve the internal spaces of the existing building and increase the school's control over vehicle and pupil movements. There would be an increase in pupil and staff numbers, from 15 to 24 and 18 to 21 on site respectively. Overall, the proposal would increase the school roll by 12 pupils to 42 which was not considered significant.

A number of objections had been received from local residents due to existing problems with anti-social behaviour. The Planning Consultant read out the applicant's response to these objections, including plans to provide a single off-road access point to the school, thus containing access to the side and front of the building. The Council's Community Development Manager had also advised that there had, anecdotally, been previous issues with children congregating outside the premises. Kent Police had also stated that there were problems still to be addressed, but the choice of perimeter height and the proposed layout were appropriate in security terms. Finally, the Council's Environmental Health team had received three complaints reporting minor disturbances but no action had been taken.

Councillor Bond welcomed the proposal which would see the removal of unsightly mobile classrooms and increase the parking area. Councillor Cronk raised concerns about the height of the perimeter fencing and the ability of vehicles to turn around. Councillor Eddy questioned whether the fencing would have an impact on sightlines, particularly when turning right into London Road. The KCC Development Planner advised Members that extending the dropped kerb would allow vehicles, including minibuses, to turn around within the site. He clarified that the fence would be set back a metre from the boundary wall. He suggested that a condition could be added requiring that a visibility splay be maintained in front of the fence to retain existing visibility. Members welcomed the suggestion that a condition be added to require the submission of a school travel plan.

RESOLVED: (a) That Application No DOV/17/01522 be APPROVED subject to the following conditions:

- (i) Commencement within 3 years;
- (ii) Built in accordance with approved plans;
- (iii) Materials samples to be submitted;
- (iv) Details of specimen tree;
- (v) Details of native hedgerow in buffer strip;
- (vi) Landscaping to be provided and maintained, with the planting scheme to be extended to within the site adjacent to the front and side boundaries;

- (v) Details of the acoustic fence;
 - (vi) Fence to be erected and maintained;
 - (vii) Construction management plan to include: routing of construction vehicles, parking and turning areas for construction vehicles, timing of deliveries, wheel-washing facilities and temporary traffic management;
 - (viii) Visibility sightlines at front boundary to be maintained;
 - (ix) Before the development hereby permitted first commences, a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This Travel Plan shall identify targets to reduce the use of private car journeys to and from the school and encourage the use of alternative modes of transport for staff, pupils and visitors. It shall have an action plan for achieving these targets including a designated Action Plan Co-ordinator, and it shall identify an ongoing monitoring and review process. It shall also include a timetable for its implementation. The approved Travel Plan shall be implemented in full and in accordance with the approved timetable;
 - (x) Surface water drainage;
 - (xi) Provision and retention of: vehicle parking spaces, drop-off and pick-up facilities, cycle parking facilities and 2 metre x 2 metre pedestrian visibility splay;
 - (xii) Completion of the access and vehicle crossing prior to the first use of the building.
- (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.

32 APPLICATION NO DOV/17/01345 - LAND AT CHURCHFIELD FARM, THE STREET, SHOLDEN, DEAL

The Committee was shown plans and photographs of the application site. The Principal Planner advised that the application sought outline planning permission for the erection of up to 48 dwellings, a care home, open space, an attenuation pond and vehicular access. As an update to the report, Members were advised that KCC's Archaeology Unit had now responded, seeking a condition for investigating and safeguarding. The following conditions also needed to be added: residential sprinklers, infiltration drainage to be agreed and no building occupied until verification of surface water drainage works completed. In addition, Sholden Parish Council had made further representations by means of two letters dated 9 and 16 July which had been circulated to Members. These raised various issues including: increase in traffic along The Street, the Timperley Place development, loss of parking in Vicarage Lane, inadequate highway works, Fire & Rescue Service comments, the large number of objectors, a Supreme Court decision and the South

Kent Coast Clinical Commissioning Group's (CCG) indication that it would not be able to provide support for the care home.

The Committee was advised that although the site lay outside the settlement boundaries, it had been defined as publicly-accessible land rather than green infrastructure in Policy CP7 of the Core Strategy. The land had not been in agricultural use for at least 28 years, and had been assessed as a potential site for further urban expansion. Under the proposal, 3.4 hectares of the site would be preserved as publicly-accessible open space and ecological enhancements were also proposed. To address concerns about traffic conflicting with schoolchildren and parents using Vicarage Lane, the applicant had drawn up proposals for off-site highway works, in conjunction with KCC Highways. The applicant had also submitted highways information showing the impact of the proposed development on key junctions. This became a material consideration when the projected impact on a junction was assessed to be 5% or more. The site had been found to be of some benefit to nesting birds, lizards, bats and slowworms, and this would be addressed in a Section 106 agreement, along with the proposed open space and ecological enhancement land.

The proposal would provide 14 affordable homes together with a number of financial contributions towards education and libraries, as set out in the report. The CCG had indicated that it could not support the new care home due to the additional burden it would place on local surgeries. However, it had neither substantiated the comments nor provided figures for a financial contribution. As it stood, the only healthcare contribution required from the applicant was towards the fit-out of the top floor of the Marlborough Road surgery.

Members were advised that the NPPF required them to take a 'tilted balance' approach to the proposal because the Council lacked a five-year housing land supply. Following a number of appeals it had become apparent that the Council's Strategic Housing Market Assessment (SHMA) was out-of-date. The weight that could be given to the Local Plan and Policy DM1 of the Core Strategy was therefore tempered by the NPPF which presumed that development should be approved unless the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Officers considered the proposal to be acceptable, and approval was therefore recommended.

Councillor Cronk questioned the projected figures for the traffic impact, and expressed concerns over the increase in traffic on London Road and the safety of the off-site highway works at the junction of London Road with The Street. KCC's Development Planner clarified that the figures included committed development which had already been built; in other words, this traffic was already using the network. The percentage increases given were purely for the proposed development, and there was no intention to connect with other nearby developments.

Councillor S F Bannister expressed concerns that the cumulative impact of new developments in Sholden was beginning to have a detrimental effect on the road network in the area. He suggested that a site visit should be held to assess road traffic and pedestrian safety, and to better understand the traffic figures presented to the Committee. Councillor Bond commented that two vehicles could not safely pass each other at the London Road/The Street junction. He argued that the site had been included in the Local Plan because it was an important green area that served to protect the setting of the church and the identity of Sholden. This, along with

concerns over surface water, fire safety and the use of Section 106 monies in Dover rather than Deal, meant that he did not feel able to support the proposal.

Councillor Gardner stressed that the highway works at the London Road/The Street junction should be properly demarcated to safeguard pedestrian safety. He was also concerned that vehicles from Timperley Place would be able to cross into the site unless a barrier was installed. Councillor Eddy referred to concerns raised by Sholden Parish Council and local residents. The Street was very narrow and difficult to negotiate at the London Road junction and elsewhere. Whilst more houses were needed, this was not a sustainable site due to the economic, social and environmental harm that would be caused. He argued that the site should be protected because of its environmental importance. The Chairman commented that there would also be economic, social and environmental benefits which the Committee was required to weigh up.

The Principal Planner clarified that there were no proposals to link the site to the Timperley Place development. There would be a pedestrian footpath across the site and links to the ED56 footpath. KCC's Development Planner confirmed that boundary treatment would be conditioned and would prevent vehicles from Timperley Place accessing the site. He reminded Members that vehicles and pedestrians were already mixing at the London Road/The Street/Vicarage Lane junctions. As now, pedestrians would wait for traffic to pass.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/01345 be DEFERRED for a site visit to be held on Tuesday 21 August at 08.00am to allow Members to: (i) Understand traffic movements in the vicinity of the site; (ii) Assess the proposed access and proposed off-site highway works at the junctions of The Street/London Road and The Street/Vicarage Lane; (iii) Assess the landscape impact of the proposals; (iv) Assess the visual impact of the proposals on the character and appearance of Sholden; (v) Assess whether the proposals would cause any harm to the setting of the Grade II*-listed St Nicholas Church; and (vi) Understand the potential for motorised vehicle traffic to use footpath ED56 as a shortcut between Timperley Place/Church Lane and the proposed development site. Councillors S F Bannister, D G Cronk, B Gardner, M J Ovenden and P M Wallace (reserve: Councillor P M Beresford) be appointed to visit the site.

33 ADJOURNMENT OF MEETING

The meeting was adjourned at 9.10pm for a short break and reconvened at 9.16pm.

34 APPLICATION NO DOV/17/01263 - UNIT 1H, CLOCK TOWER LOFTS, BUCKLAND MILL, CRABBLE HILL, DOVER

The Committee was shown drawings, plans and photographs of the application site which was a major redevelopment site in Dover. The Principal Planner advised that the application sought planning permission for the change of use of the ground floor of the building to a gym and the installation of air-conditioning units. She advised that an amended location plan had been circulated to Members since the one included with the report had been found to be inaccurate.

Members were advised that the site was in a sustainable location and therefore accorded with paragraph 14 of the NPPF. A sequential test had also been carried

out by the developer in accordance with paragraph 24 of the NPPF. Due to the high levels of noise generated by a gym, a noise impact assessment had been requested and a noise management plan would be required by condition to ensure that there was no detrimental impact on the residential amenity of neighbouring flats. In addition, there would also need to be a higher standard of sound insulation between the gym and first-floor flats. The nine air-conditioning units would be screened and the subject of noise mitigation measures. Following negotiations with the applicant, more parking spaces had been added and would now number 45, serving the gym and the adjacent retail and restaurant use.

In response to Councillor Bannister, the Principal Planner clarified that the use of the building for a community hub had come to nothing following KCC's withdrawal. Councillor P M Beresford expressed concern that Crabble Meadows, which was very narrow and used by church-goers, would be used for vehicular access. In response to Councillor Cronk, the Principal Planner advised that a condition requiring disabled parking could be added. Councillor Gardner emphasised the importance of protections being in place to limit disturbance to residents, and suggested that the wording of the relevant conditions should therefore be agreed with the Chairman.

RESOLVED: (a) That Application No DOV/17/01263 be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) Approved plans list;
- (iii) Matching materials;
- (iv) Details of air-conditioning units and noise mitigation measures;
- (v) Details of Noise Management Plan and mitigation measures in accordance with report;
- (vi) Insulation completed before use commences and in accordance with report;
- (vii) Details of joinery to be submitted for approval;
- (viii) New joinery set back 80mm from the front face of the masonry;
- (ix) Provision before use commences and retention of car parking spaces unless otherwise agreed with the Local Planning Authority;
- (x) Details of cycle parking and implementation before use commences;
- (xi) Restriction to use class gym use only;
- (xii) Details of all external lighting to be submitted for approval;
- (xiii) Hard landscaping samples and a scheme of implementation

for car parking areas to be submitted for approval and in accordance with condition 27 of DOV/06/01455 and shall not be varied without approval;

(xiv) Soft landscaping of the car parking areas shall accord with the condition 25 of DOV/06/01455 and shall not be varied without approval;

(xv) Details of foul drainage implemented in accordance with the submitted details;

(xvi) Details of surface water drainage from car parking areas to be submitted for approval and implemented;

(xvii) All windows to be fixed shut at all times and doors closed;

(xviii) BREEAM very good rating;

(ixx) Details of refuse storage and disposal;

(xx) Employee and members' travel plan to be submitted for approval;

(xxi) Full details of bridge crossing including materials and finish;

(xxii) Details of all boundary treatments to car parking areas;

(xxiii) Designated disabled parking to be provided.

(b) That the wording of conditions (iv) and (v) be agreed with the Chairman of the Planning Committee.

(c) 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, to accord with DOV/06/01455, and as resolved by Planning Committee.

35 EXTENSION OF MEETING

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

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

36 APPLICATION NO DOV/18/00051 - BRAMBLEY HEDGE, TOWER STREET, DOVER

Members viewed drawings, plans and photographs of the application site. The Team Leader (Development Management) advised that the application sought outline planning permission for the erection of ten houses together with associated parking and access. The existing building would be demolished. Dover Town Council had commented that parking and traffic in the area should be reviewed. Two further objections had been received since the report was written.

The building was ecclesiastical in character and had last been used as a nursery. It had been added to over the years and much of its intrinsic heritage value had been lost, with the exception of two stone windows. The property had been marketed, but had failed to find a buyer due to its structural problems. Whilst the proposal would lead to the loss of a community facility, there were no objections in principle. The site was in a central location with access to shops, etc. Each dwelling would have one parking space although there would be a loss of some existing on-street parking. The previous use as a nursery would have given rise to significant traffic movements and fewer movements would be generated by the proposed development. In response to Councillor Beresford, it was clarified that there would be a separation distance of 11 metres between the rear of the proposed dwellings and properties in Dickson Road. The proposal would lead to the regeneration of a disused site, and approval was therefore recommended.

Councillor Gardner expressed concern that there was no amenity space, and suggested that the houses should be moved back to provide parking at the front and some amenity space at the rear. Alternatively, the number of houses could be reduced. The Team Leader (Development Management) advised that front parking would mean cars having to reverse out onto Tower Street which would be unacceptable. In addition, such a proposal would lead to the loss of the proposed terracing arrangement which was in keeping with the existing street scene. Councillor Bond welcomed the proposal which would provide affordable housing and be no worse in terms of parking than the use of the existing building.

Councillor Bannister suggested that the developer should be encouraged to make the development an 'eco' project, providing better quality homes that were more affordable to live in. Councillor Eddy agreed that the development could be improved by reducing the number of houses and making them bigger. The Team Leader (Development Management) advised that the layout of the proposed scheme was a fixed element of the application and therefore already settled. In any case, the dwellings would have balconies and some outdoor space. In accordance with paragraph 14 of the NPPF, Members would need to consider whether any harm caused by the development significantly and demonstrably outweighed the benefits.

RESOLVED: (a) That Application No DOV/18/00051 be APPROVED subject to the following conditions:

- (i), (ii) & (iii) Standard outline conditions;
- (iv) Approved plans;
- (v) Details of materials;
- (vi) Parking and turning provision;
- (vii) Cycle provision;
- (viii) Visibility splay to be provided;
- (ix) Details of crime prevention measures;
- (x) 2 metre high brick wall provided at rear before occupation;

- (xi) Detailed design to include measures to prevent overlooking;
 - (xii) Refuse and recycling;
 - (xiii) Archaeological watching brief;
 - (xiv) Further studies if contamination found;
 - (xv) Further details of surface water disposal and ongoing maintenance;
 - (xvi) Development to be carried out in accordance with Construction Management Plan;
 - (xviii) Removal of permitted development rights.
- (b) That powers be delegated to the Head of Regeneration and Development to resolve any necessary planning conditions and matters within the proposed Unilateral Obligation, in accordance with issues set out in the recommendation and as resolved by the Planning Committee.

37 APPLICATION NO DOV/18/00203 - LAND TO THE WEST OF ALBERT ROAD, DEAL

The Committee viewed plans of the site. The Principal Planner advised Members that planning permission had been granted in 2017 for a mixed use scheme, with a new road linking Albert Road and Southwall Road. At the time of the previous application, Southern Water had assessed that the existing foul sewerage infrastructure in Albert Road was incapable of accommodating the proposed development. Two solutions were identified to address this, including the provision of a new 1,050mm main under the railway line. The Committee had been so concerned about flooding problems in Albert Road that it had suggested that the proposed condition be amended to specifically require the provision of this sewerage main, and to require the applicant to demonstrate that the foul sewerage discharge from the site could be accommodated.

Since planning permission was granted, the applicant had continued working with Southern Water to provide an appropriate scheme for foul drainage. Having undertaken further investigations into its network, Southern Water had identified that its understanding of the network was incorrect, and that the 825mm pipe in Albert Road ran directly into a 1,200mm pipe on the northern side of the railway line. A 450mm pipe which it was originally thought the Albert Road pipe connected to in fact ran parallel to the 825mm pipe and served only a few properties. Accordingly, Southern Water had now advised that the foul sewerage network had the capacity to accommodate the development without the need for off-site upgrades and without increasing the risk of flooding. Further information had also been provided in relation to the causes of flooding in Albert Road. These events had been caused by blockages in the surface water outfall pipes and failures at the Golf Road pumping station. Significant monies had since been spent on upgrading the pumping station and improvements had been made to the surface water outfall pipe.

Given that Southern Water had advised that the works required by the condition imposed within the original planning permission were no longer necessary, the

development was unable to progress under the wording of the current condition. It was therefore recommended that the condition be amended to remove reference to the provision of the 1,050mm pipe and the out-dated discharge rate. It was clarified that the proposed wording of the amended condition was slightly different to that shown in the report.

Councillor Gardner commented that it was regrettable that Southern Water had not listened to some of its older staff who had advised at the time of the pipe's existence. Councillor Bond remained sceptical that the flooding issues in Albert Road had been resolved and could not therefore support the recommendation.

RESOLVED: (a) That Application No DOV/18/00203 be APPROVED and condition (xi) be amended to read:

Prior to the commencement of the development, with the exception of the proposed access road between Albert Road and Southwall Road, full details of a foul drainage scheme for the site be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the design of all foul sewerage infrastructure and a timetable and programme for the provision of the foul sewerage infrastructure serving the site. The foul drainage scheme shall provide capacity to cater for the discharge from the development.

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

38 APPLICATION NO DOV/17/00826 - WEIGHSIDE HOUSE, SANDWICH ROAD, WHITFIELD, DOVER

The Committee was shown plans and photographs of the application site which was within the settlement confines of Whitfield and outside the Whitfield Urban Expansion area. The Principal Planner advised that the application sought planning permission for the erection of fourteen dwellings in place of an existing dwelling which would be demolished. The site currently benefited from extant planning permission for the erection of four dwellings, and was situated to the north of Whitfield, largely surrounded by open land, this being either gardens, informal open space or agricultural land. However, these surrounding areas were allocated within the Whitfield Urban Expansion and would alter dramatically in years to come. The proposed development was in accordance with Policy DM1 of the Core Strategy and the principle of development was therefore accepted.

The density of the scheme would be lowest along the boundary with Sandwich Road, increasing to the south-eastern boundary. The dwellings would be two storeys in height and traditional in form but with contemporary use of materials and detailing to provide a strong character to the scheme. Each dwelling would be provided with two car parking spaces as well as a garage. The junction and access had been designed in such a way that they would allow access and turning for refuse, fire and delivery vehicles. Whilst some existing trees would be lost, the majority would be retained, with some additional planting throughout the development.

The applicant had submitted an assessment which sought to demonstrate that the development could not support any contributions. However, following an independent assessment by a consultant appointed by the Council which indicated that the development could support contributions of £285,000 whilst remaining viable, the applicant had agreed to make contributions. As an update to the report, KCC had submitted further evidence which demonstrated that some pupils from the development were likely to attend Lydden Primary School. It was therefore considered reasonable to request a financial contribution for this purpose.

In relation to drainage, Southern Water had advised that there was insufficient capacity to meet the needs of the development. However, a scheme to increase the capacity of the pumping station to the south of the site was progressing. It was therefore recommended that, should permission be granted, a condition be attached requiring full details of all on and off-site infrastructure which was required to meet the needs of the development, together with a timetable for its implementation. The latter would need to ensure that the necessary infrastructure was in place before any occupation of the dwellings.

Councillor Bond welcomed the proposal but suggested that a standard condition relating to the road being built to a KCC-adoptable standard should be included. Councillor Gardner raised concerns that developers were delaying the signing of Section 106 agreements as a means of delaying the start of development. The Solicitor to the Council advised that it was not uncommon for Section 106 negotiations to be protracted. The Team Leader (Development Management) advised that in his experience there was no evidence that developers were dragging their feet deliberately but rather that delays were due to other complications. The Chairman added that it was not in developers' interest to delay the implementation of Section 106 agreements as the land had no value until planning permission had been issued.

RESOLVED: (a) That, subject to the submission and agreement of a Section 106 agreement to secure contributions, Application No DOV/17/00826 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Samples of materials;
- (iii) Full details of hard and soft landscaping;
- (iv) Removal of permitted development rights for means of enclosure;
- (v) Provision of car parking and turning areas prior to first occupation;
- (vi) Provision and retention of cycle parking;
- (vii) Provision and retention of access;
- (viii) Provision and retention of footpath on Sandwich Road;
- (x) Provision and retention of visibility splays;
- (xi) Construction Management Plan;

(xii) Full details of foul drainage including a timetable for the works and a maintenance programme to be submitted. No occupation shall take place until the infrastructure is in place;

(xiii) Full details of surface water drainage including a timetable for the works and a maintenance programme to be submitted;

(xiv) Removal of permitted development rights relating to extensions, enlargements and alterations;

(xv) Previously unidentified contamination;

(xvi) Ecological mitigation and enhancements;

(xvii) Details of external lighting;

(xviii) Provision of refuse storage;

(xix) Tree protection during construction;

(xx) No bonfires during development;

(xxi) Archaeology;

(xxii) No development above ground shall take place until full details of the specification and materials of all highway works to include carriageways, footways, highway drainage, street lighting, and manoeuvring areas, together with a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The timetable shall ensure that no dwelling in the development is occupied prior to the completion of the approved highway works that provide access to that dwelling up to, but not including, the wearing course. The programme shall also ensure that the wearing course, including any markings and signage, shall be completed prior to the occupation of the 10th dwelling of the development. The approved highway works shall be implemented in accordance with the approved specification and timetable and thereafter be maintained to the approved specification.

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

39 APPEALS AND INFORMAL HEARINGS

The Planning Delivery Manager presented the report which gave a breakdown of appeals determined between January and March 2018. Reflecting the national picture, the Council was losing an average of approximately one in three appeals. Costs had been awarded against the Council in two appeal cases, one of which was ongoing.

RESOLVED: That the report be noted.

40 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 10.53 pm.