

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 20 September 2018 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
P M Beresford
D G Cronk
B Gardner
P J Hawkins
P D Jull
D P Murphy
M J Ovenden

Officers: Principal Planner
Principal Planner
Planning Officer
Planning Solicitor
Democratic Services Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/16/00955	Mr Ian Farrington	-----
DOV/18/00544	Mr Clive Tidmarsh	-----
DOV/18/00535	Mr Greg Wainer	Mr Simon Phillips

58 APOLOGIES

It was noted that apologies for absence had been received from Councillors T A Bond, M R Eddy and P M Wallace.

59 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillors P D Jull and P M Hawkins had been appointed as substitute members for Councillors T A Bond and M R Eddy respectively.

60 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

61 MINUTES

The minutes of the meeting held on 23 August 2018 were approved as a correct record and signed by the Chairman.

62 ITEMS DEFERRED

The Chairman advised that there were no deferred items.

63 REVIEW OF THE CONSTITUTION 2018

Members received a report on the review of the constitution which set out some proposed general and administrative changes.

RESOLVED: That the report be noted.

64 APPLICATION NO DOV/18/00720 - TIGHNA MARA, PRINCES DRIVE, SANDWICH BAY

The Committee was shown drawings, plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for, amongst other things, the erection of a replacement roof, two-storey front and rear extensions, a front balcony and a new garage. The site was outside settlement confines, with areas of Special Scientific Interest and Special Protection nearby. A previous application had been refused on design grounds. However, it was considered that the current application had overcome the previous reasons for refusal. The proposed development would not result in any loss or harm to the countryside, nor would it result in overshadowing, overbearing or a further loss of privacy.

Councillors B W Butcher and P D Jull commented that the proposal would be an improvement on the existing dwelling and recommended that it should therefore be approved.

RESOLVED: (a) That Application No DOV/18/00720 be APPROVED subject to the following conditions:

(i) Standard time condition;

(ii) List of approved plans;

(iii) Samples/details of the materials for the external surfaces of the building to be submitted (roof, windows, render, balcony, balustrade and awnings);

(iv) Archaeological watching brief (if required by Kent County Council Archaeology).

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

(c) Informative to be sent to applicant to be aware of ecology with respect to the grassland to the rear part of the site.

65 APPLICATION NO DOV/16/00955 - SITE AT ADELAIDE FARM CAFE, SANDWICH ROAD, HACKLINGE, DEAL

The Committee viewed drawings, plans and photographs of the application site which was outside the urban confines. The Principal Planner advised that, since the report had been published, Officers had reviewed comments from Natural England and the Environment Agency. These were contradictory in that Natural England had removed its objections following changes made that would result in effluent no longer being discharged into the stream but to septic tanks. However,

the Environment Agency had maintained its objections because of concerns that the tanks could leak due to the high water level in the surrounding area. Officers had therefore sought further comments from Natural England which had agreed that it was not possible to conclude for certain that no harm would be caused to the Sandwich Bay to Hacklinge Marshes SSSI (Site of Special Scientific Interest) or the Thanet Coast and Sandwich Bay Ramsar site by the amended scheme. This revised position therefore meant that, contrary to what was set out in the report, the application had not passed the tests of regulation 64 of the Habitats Regulations 2017. A fifth reason for refusal had been added accordingly.

Turning to other matters, Members were advised that the proposed development would create a monolithic block that would be out-of-keeping with the street scene. Whilst there were limited services nearby, the development would undoubtedly generate private car journeys. Finally, there were concerns around ground contamination and ecological harm. For these reasons, it was recommended that the application should be refused.

Councillor P M Hawkins commented that the development was similar to the Martha Trust buildings along the road and would therefore not be out-of-keeping with the street scene as suggested. She raised concerns that the application had been around for some time, and proposed that a site visit should be held to assess access and drainage. Councillor B Gardner agreed that the technicalities could and should be ironed out at a site visit. Councillor M J Ovenden expressed her support for the scheme which would provide single occupancy flats in a location which was served by a bus route. The existing building was shabby and the proposed block would be in keeping with the area. Moreover, the River Stour Internal Drainage Board had recorded no incidents of pollution or flooding in the area since 1953.

The Chairman questioned how Members as non-experts would be able to assess the proposed drainage arrangements at a site visit. Whilst the applicant might be able to clarify the technical issues by bringing a specialist to the site visit, it was doubtful that the Environment Agency would attend. He also urged the Committee to consider other issues, most importantly the fact that the proposed building would be outside any settlement confines. Councillor Jull concurred that the key issue was the protection of the countryside, and stressed that the application was against Policies CP1, DM1 and DM11 of the Council's Core Strategy.

The Principal Planner clarified that Hacklinge was a hamlet and therefore had no confines. He went on to advise that the application had been due to be considered by the Planning Committee in July 2017. However, the agent had requested its withdrawal in order to address some technical issues. A number of revisions had been made that had been consulted on with Natural England which had removed its objection as a result of septic tanks being introduced. However, the Environment Agency had maintained its objection due to technical concerns about the septic tanks, and the fact that there were already a number of tanks in the area. Because of this discrepancy, clarification had been sought from Natural England which had confirmed that the application should be resubmitted to the tests of the Habitat Regulations. Regrettably, Natural England had taken some time to review the application.

The Planning Solicitor reminded Members that the Council's Constitution set out guidelines for site visits, the most important consideration being the likely usefulness of such a visit to the Committee in reaching a decision. He read out from the Constitution the criteria to be used to determine usefulness.

It was moved by Councillor P M Hawkins and duly seconded that Application No DOV/16/00955 should be DEFERRED for further information from the Environment Agency and Natural England, and for a site visit to be held to assess sewerage proposals. On being put to the vote, the motion was LOST.

It was moved by Councillor P D Jull and duly seconded and

RESOLVED: (a) That Application No DOV/16/00955 be REFUSED on the following grounds:

- (i) The proposal, if permitted, by virtue of its location outside of settlement boundaries in a countryside location, would represent an unjustified, unsustainable form of development well beyond any urban boundary or settlement confines, and would give rise to travel movements outside of settlement confines, contrary to policies CP1, DM1 and DM11 of the Core Strategy, and the aims and objectives of the National Planning Policy Framework, in particular paragraphs 2, 8 and 78.
- (ii) The proposed building, by virtue of its location, siting, mass, orientation and finish would, if permitted, give rise to an incongruous and obtrusive form of development, which would result in harm to the quality and visual amenity of the street scene and local landscape, and would represent poor design, contrary to Policies DM15 and DM16 of the Core Strategy, and the aims and objectives of the National Planning Policy Framework, in particular paragraphs 127 and 130.
- (iii) The proposed development, if permitted, would give rise to an unacceptable risk of contamination to groundwater in a sensitive location, and the submitted documentation relating to foul sewerage and surface water drainage does not adequately demonstrate that these contamination risks can be satisfactorily managed, contrary to the aims and objectives of paragraphs 163 and 170 of the National Planning Policy Framework.
- (iv) The submitted documentation relating to flood risk, including the flood risk assessment and the planning statement, does not adequately undertake the necessary sequential test which is required by virtue of the site being located in flood zone 3, meaning that Dover District Council is unable to assess if more suitable development sites exist in areas which are at less risk from flooding, in accordance with paragraphs 159, 160 and 161 of the National Planning Policy Framework which state explicitly that the sequential test will have to be passed for development to be permitted. The proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraphs 155, 157, 158, 159, 160, 161 and 163.
- (v) The proposed measures to deal with foul sewage disposal and surface water drainage do not adequately demonstrate that there will be no resultant adverse effect on the integrity of the ecosystems at the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest and the Thanet Coast and Sandwich Bay Ramsar site, where there is no overriding public interest in the development, contrary to Policy DM15 of the Core Strategy, paragraphs 170, 175 and 176 of the National Planning Policy Framework in particular and regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017.

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

66 APPLICATION NO DOV/18/00544 - LAND REAR OF 9 HILL DRIVE, EASTRY, SANDWICH

The Committee was shown drawings, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of a dwelling on garden land belonging to 9 Hill Drive. Kent County Council (KCC) Highways had raised no objections but had recommended that conditions be attached to any permission. Officers considered that there would be a sufficient gap between dwellings, and approval was therefore recommended.

Councillor Gardner raised concerns about the size of the plot and the lack of amenity space. Councillor Hawkins agreed that the plot was too small and the proposed development would therefore be out-of-keeping with surrounding properties. She also expressed concerns about the safety of the access. The Principal Planner clarified that the entrance would have visibility splays of 2 metres by 43 metres in both directions.

Councillor Butcher commented that, whilst the plot was rather cramped, there was sufficient space for two vehicles and the access was wide enough. The design of the proposed dwelling was well considered and it would fill the gap between properties quite well. The Chairman emphasised that Officers were satisfied that there was sufficient space between dwellings to ensure that there would be no overlooking or loss of privacy. Whilst he understood the concerns raised about the lack of amenity space, he considered it adequate and not a reason for refusal.

It was moved by Councillor B Gardner and duly seconded that Application No DOV/18/00544 be REFUSED on the grounds that it would be a cramped form of development, contrary to paragraph 127 of the National Planning Policy Framework (NPPF).

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

It was moved by Councillor B W Butcher and duly seconded and

RESOLVED: (a) That Application No DOV18/00544 be APPROVED subject to the following conditions:

- (i) Timescale of commencement of development;
- (ii) A list of approved plans;
- (iii) Details of the access prior to commencement;
- (iv) 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; measures to prevent the discharge of surface water; use of a bound surface for the first 5 metres of the access from the edge of the highway;

completion and maintenance of the access; gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter; provision and maintenance of 43 metres x 2 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing;

- (v) Samples of materials;
 - (vi) Soft and hard landscaping details;
 - (vii) Details of surface water disposal;
 - (viii) Archaeological watching brief;
 - (ix) Removal of permitted development rights (Classes A, B and E (extensions, roof extensions and outbuildings) and boundary treatments;
 - (x) Restricting permitted development rights for the insertion of new windows to the side elevation;
 - (xi) Bin storage details.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

67 APPLICATION NO DOV/18/00535 - CO-OP FOODSTORE, PARK STREET, DEAL

Members viewed plans, drawings and photographs of the application site which was situated to the north of Deal High Street. The Principal Planner advised that planning permission was being sought for the regeneration and redevelopment of the site for an Aldi foodstore. The proposal would lead to the removal of ten trees, including three which were the subject of a Tree Preservation Order (TPO). However, these would be replaced by twelve semi-mature trees on site, and a contribution of £15,000 towards the provision of trees in Deal town centre which, whilst not compliant with Community Infrastructure Levy regulations, could be secured by condition. Notwithstanding these provisions, the loss of these trees had prompted numerous objections based on the impact on the character of the area. Despite discussions with the applicant, Officers had been unable to secure the retention of any more of the trees, the applicant having advised that the project would become unviable if more of the TPO trees were retained. Whilst the loss of the trees was regrettable, the development was fully compliant with planning policies, in accordance with paragraph 11 of the NPPF.

Councillor Gardner referred to the significant level of opposition in the town to the development because of the loss of the trees. He also lamented the loss of nine town-centre flats which were exactly the sort of accommodation that was so badly needed. Whilst he was not against the development of the site per se, he could not support it for these reasons. Councillor D G Cronk expressed concerns regarding the loss of four shops and the absence of electric car-charging points in the car

park. Councillor Jull commented that the proposed building was ugly and would be out-of- keeping with the Conservation Area and surrounding street scene. He also queried the lack of bird control measures to tackle roosting pigeons which were a problem in the town centre. Councillor Ovenden agreed that the loss of small flats was regrettable. She also stressed the need to provide protection for the new trees.

The Chairman reminded Members that they needed to consider whether the benefits of the development outweighed the harm that would be caused by the loss of the trees and flats.

Councillor B Gardner moved and it was duly seconded and

RESOLVED: That Application No DOV/18/00535 be REFUSED on the following grounds:

(i) The proposed development, if permitted, would result in the loss of trees on site which would result in significant harm to the visual amenities of the street scene and the town centre, with a respective loss of green infrastructure, contrary to paragraphs 127 and 170 of the National Planning Policy Framework;

(ii) The proposed development, if permitted, would result in the loss of residential units within Deal town centre contrary to national planning policy and guidance which seeks to encourage mixed use developments and urban living within town centres, and in particular paragraph 85 of the National Planning Policy Framework.

68 APPEALS AND INFORMAL HEARINGS

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

69 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 7.48 pm.