

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 25 October 2018 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
J S Back
S S Chandler
D G Cronk
M R Eddy
B Gardner
D P Murphy
M J Ovenden
P M Wallace

Officers: Team Leader (Development Management)
Principal Planner
Principal Planner
Principal Planner
Planning Officer
Planning Delivery Manager
Planning Solicitor
Democratic Services Officer

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/17/01530	Mr Huw Evans	-----
DOV/18/00663	Ms Andrea Risvold	Ms Helen Bunter
DOV/18/00609	Mr Dale Jones	-----
DOV/18/00654	Mr Nigel Brown	-----

70 APOLOGIES

It was noted that apologies had been received from Councillors T A Bond and P M Beresford.

71 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors J S Back and S S Chandler had been appointed as substitute members for Councillors T A Bond and P M Beresford respectively.

72 DECLARATIONS OF INTEREST

Councillor B Gardner made a Voluntary Announcement of Other Interests in Agenda Item 6 (Application No DOV/17/01530 – Land to rear of Matthews Close and Southwall Road, Deal) by reason that he was a trustee of the Mary Hougham Almshouses charity which was looking to buy affordable housing, potentially at this site.

Councillor D P Murphy declared an Other Significant Interest in Agenda Item 6 (Application No DOV/1701530 – Land to rear of Matthews Close and Southwall Road, Deal) by reason that he was a governor of Deal Parochial Primary School which would benefit from Section 106 monies arising from the development.

73 ITEMS DEFERRED

The Committee noted that there were no deferred items.

74 APPLICATION NO DOV/18/00777 - FORMER WILLIAM MUGE HOUSE AND SNELGROVE HOUSE, LEYBURNE ROAD, HAROLD STREET AND GODWYNE ROAD, DOVER

The Committee was shown drawings, plans and photographs of the application site. The Principal Planner advised that the application involved three parcels of land which had previously been occupied by two buildings providing sheltered accommodation. The site, which had proved difficult to bring forward for development, would provide badly needed accommodation in a sustainable location.

Concerns had been raised about parking provision due to pressure on daytime parking from town-centre workers. Kent County Council Highways (KCC) had commented that, although the development's parking provision was slightly sub-standard, it was satisfied that there was unlikely to be additional on-street parking at peak demand during the evening period. Additional highway conditions were recommended. Officers concurred with that view and pointed out that survey results showed that on-street parking capacity was only at 50% occupation in the evening. Although the scheme itself was not considered to add to parking pressures, it was acknowledged that existing on-street parking issues needed to be addressed. This was likely to be through a residents' parking scheme but that needed to happen outside of the planning application process. Disappointingly, the scheme would involve the removal of three trees which were subject to a Tree Preservation Order. Discussions around retaining a tree of particular value had taken place but the applicant had raised viability issues. The Council intended to plant eight trees in Harold Street in order to mitigate the overall loss of five trees at the site.

Councillor S S Chandler welcomed the scheme which would add to the district's social housing stock. She supported the suggestion of a residents' parking scheme to overcome parking problems. Councillor M J Ovenden concurred, welcoming the provision of new self-contained one and two-bedroomed units which were in short supply. Councillor S Bannister praised the idea of having a green corridor of trees, and commended the inclusion of 24 shared ownership apartments which would encourage young people onto the housing ladder.

Councillor B Gardner expressed concerns about parking and the loss of the trees, and commented that he would only support the Council's application because it would provide social housing. The Chairman reminded Members that they were required to assess the application to satisfy themselves it was lawful and in accordance with planning policies, regardless of whether it was a Council application or a private one.

The Principal Planner clarified that parking spaces would not be allocated, except to the private dwellings. He explained that a heavy standard tree would be 12-14 feet in height. The position of the new trees had not yet been finalised, but advice would be sought from the Council's Tree Officer.

RESOLVED: (a) That Application No DOV/18/00777 be APPROVED subject to the following conditions:

- (i) Standard time;
- (ii) Approved plans;
- (iii) Details of materials;
- (iv) Parking and turning provision;
- (v) Cycle provision;
- (vi) Refuse and recycling;
- (vii) Further details of refuse bin provision to rear of 52-80 Leyburne Road;
- (viii) Details of landscaping scheme to include provision of 8 heavy standard trees as replacement planting;
- (ix) Pruning of existing trees to be carried out in accordance with arboricultural report;
- (x) Further details of surface water disposal and ongoing maintenance;
- (xi) Development to be carried out in accordance with construction management plan;
- (xii) Archaeological watching brief;
- (xiii) Further studies if contamination found;
- (xiv) Removal of permitted development rights for private houses;
- (xv) Obscure glazing to be provided to rear of William Muge block;
- (xvi) Details of boundary fencing and other means of enclosure;
- (xvii) Waste management plan;
- (xviii) Details of phasing to be agreed;
- (xix) Levels to be confirmed;
- (xx) Details of external lighting;
- (xxi) Visibility splays;
- (xxii) Existing vehicular access to be closed;
- (xxiii) Details of pedestrian crossing points and associated highway works in Harold Street;

(xxiv) Details of alterations to structures supporting public highway.

(b) That powers be delegated to the Head of Regeneration and Development to resolve any necessary planning conditions and matters connected with the proposed development contributions, in accordance with issues set out in the report and as resolved by the Planning Committee.

75 APPLICATION NO DOV/17/01530 - LAND TO REAR OF MATTHEWS CLOSE AND SOUTHWALL ROAD, DEAL

Members viewed plans, drawings and photographs of the application site. The Principal Planner advised that outline planning permission was sought for the erection of up to 63 dwellings. As an update, the Committee was advised that several representations had been received since the report was written, raising no new concerns.

The proposed development was outside settlement confines and was therefore contrary to Policy DM1 of the Core Strategy. However, once the development at the Albert Road site had been constructed, the application site would be surrounded by other development. The principle of the development was therefore considered acceptable. The indicative layout demonstrated that the site could accommodate the size of development proposed. A new access road would provide access between the site and Albert Road/Southwall Road. Full details of the projected impact on the highway network, including modelling data, were set out in the report. Many of the existing trees and hedges would be retained, and it was considered that the scheme would cause no harm to three listed buildings located to the south of the site. As a result of an assessment carried out by the Council's independent consultant on the applicant's viability assessment, the number of affordable dwellings had been increased from six to ten.

In terms of flooding, the Environment Agency was satisfied as to the safety of the proposed development. Members were referred to the report which covered drainage issues in some detail. In summary, it was likely that surface water would be dealt with by means of permeable hard-standings and a balancing pond. The Council had engaged a drainage consultant who had confirmed (supported by Southern Water) that the development could be accommodated by the foul sewerage network without infrastructure improvements being necessary.

Councillor D G Cronk welcomed the development of the site, but raised concerns about the extra pressure on the local highway network and the lack of parking for visitors. He also requested that the pond area be protected for children's safety. Councillor Gardner queried why only ten affordable units had been achieved when eighteen were due. He also raised concerns regarding the layout, and the fact that the development would increase traffic movements onto the new Albert Road/Southwall Road link road which had been designed solely as a relief road for Middle Deal Road. The Chairman reminded Members that, whilst the 30% affordable housing target was a figure that the Council strived to achieve, this did not preclude accepting a lower percentage in certain circumstances.

The Principal Planner clarified that the methodology used to calculate the value of development land comprised the existing use value of the land plus an incentive to develop the land. He noted that land levels and flood mitigation measures had affected the viability of the site. The development exceeded the minimum standard for parking provision. It was understood that, due to ownership issues, the

proposed access could not be routed through Matthews Close. Whilst the indicative layout was not binding, it was likely that only minor changes could be made. Outside of periods of heavy rainfall, the balancing pond would be dry for most of the year and could therefore be regarded as a 'windfall' green space. It would be a maximum of 30cm deep during periods of very heavy rainfall. A financial contribution would be made towards off-site open space, and a children's play area would be provided on site.

Councillor Ovenden welcomed the fact that one of the units would be completely wheelchair- accessible. Councillor Chandler commented that the idea of building on this site was sensible. She suggested that a pedestrian access through Matthews Close should be explored. She also suggested that the report was somewhat confusing when setting out the foul drainage situation, and stressed the importance of ensuring that these details had been defined before the development commenced. Both Members were pleased to see that the majority of trees and hedges would be retained.

The Principal Planner clarified that, following the Council's drainage consultant's study, Southern Water had undertaken a survey of the newly discovered pipe and had established that very few houses were connected to it. The proposed development would take up 8% of the pipe's capacity. Officers could require drainage details to be submitted concurrently with the reserved matters application.

RESOLVED: (a) That, subject to confirmation regarding the reasonableness of the reported access/ransom payments and the submission and agreement of a Section 106 agreement to secure affordable housing and contributions, Application No DOV/17/01530 be APPROVED subject to the following conditions:

(i) Standard outline conditions;

(ii) Provision and retention of car parking and turning areas;

(iii) Provision and retention of cycle parking;

(iv) Full details of roads, footways, footpaths, verges, junctions, street-lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, and a timetable for their provision to be submitted with the reserved matters application;

(v) Details of measures to prevent surface water run-off onto the highway;

(vi) Archaeology;

(vii) Full details of surface water drainage strategy, including a timetable for the provision of infrastructure, a verification report and a maintenance programme;

(viii) Full details of foul water drainage strategy, including a timetable for the provision of infrastructure, a verification report and a maintenance programme;

- (ix) Development in accordance with Flood Risk Assessment;
 - (x) No piled foundations unless agreed;
 - (xi) Radon gas protection measures;
 - (xii) Previously unidentified contamination;
 - (xiii) Construction management plan;
 - (xiv) Full details of all external lighting (with no other lighting other than that which is approved);
 - (xv) Details of permeable boundary treatments to be submitted with the reserved matters application and removal of permitted development rights for boundary treatments;
 - (xvi) Ecological mitigation measures;
 - (xvii) Noise mitigation;
 - (xviii) Details of the provision of visibility splays to be demonstrated by reserved matters;
 - (xix) Scheme for the provision of on-site Local Equipped Area of Play.
- (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.

76 APPLICATION NO DOV/18/00663 - PLOTS 17 AND 24 BISLEY NURSERIES, THE STREET, WORTH

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 six dwellings on a site that had been allocated for residential development under the Worth Neighbourhood Development Plan. Planning permission had already been granted for 32 dwellings on the site which was one more than the 30 envisaged in the Development Plan (an existing building would be demolished). Development at the site was already well under way, and the applicant was now seeking to convert two of the largest (six-bedroom) dwellings into three dwellings each. This would lead to an increase in the overall number of dwellings on the site to 35. The provision of nine affordable houses on site had already been settled as part of the approved development. The four additional dwellings proposed would generate a 5% contribution, and discussions with the applicant had led to the agreement of a £75,000 off-site contribution. Officers considered that refusal could not be justified given that the proposal would provide additional family dwellings in a sustainable location, with no increase in the overall number of buildings constructed.

Councillor Ovenden raised concerns about the density of the proposed dwellings. Councillor Gardner questioned the low level of the affordable housing contribution. The Chairman reminded the Committee that Officers had assessed the application

against the Council's affordable housing policies. There would be a net increase of four dwellings and it was this number that was relevant to the calculations made by the Officer in determining the level of contribution, not the overall application as originally submitted.

The Principal Planner advised that Registered Social Landlords (RSLs) were generally not interested in managing one or two affordable housing units. Furthermore, the values and figures provided by the applicant had been deemed fair and reasonable. In terms of density, Members were advised that the constructed buildings were very generously proportioned and would provide ample accommodation even when converted. In response to concerns raised about drainage and whether there was sufficient capacity, he advised that full engineering details of schemes to deal with surface and foul water would be required by condition. In addition, Southern Water would be consulted again should any flooding issues arise in the meantime.

RESOLVED: (a) That Application No DOV/18/00663 be APPROVED subject to the following conditions:

- (i) Standard time limits;
 - (ii) Approved plans;
 - (iii) Samples of materials;
 - (iv) Full details of hard and soft landscaping;
 - (v) Provision of access, car parking and turning areas prior to first occupation (including use of a bound surface material);
 - (vi) Provision and retention of cycle parking;
 - (vii) Full details of foul drainage including a timetable for the works and a maintenance programme;
 - (viii) Previously unidentified contamination;
 - (ix) Provision of refuse storage;
 - (x) Removal of permitted development rights for means of enclosure;
 - (xi) Car ports for Plots 17A, 17B, 17C and 24B to remain open (with no garage doors).
- (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.

77 APPLICATION NO DOV/18/00609 - THE WILLOW, BEAUTE LANE, SHATTERLING

Members viewed drawings, plans and photographs of the application site. The Planning Officer advised that the site had had planning permission for the stationing of caravans since 1995. Cooking and washing facilities had been removed from two

caravans on the site, and the proposed block was being erected for this purpose. The proposed block would be 5.3 metres in height and well screened. Views were likely to be minimal and it was therefore considered that there would be no harm to residential amenity. Whilst the site was situated in the countryside, the proposed development would be ancillary to the existing use and was therefore considered acceptable under Policy DM1. Furthermore, and taking into account the applicant's personal circumstances, it was considered that there would be no undue harm to the landscape. Approval was therefore recommended.

Councillor J S Back commented that the application appeared to be compliant with the National Planning Policy Framework (NPPF) and Policies DM1, DM15 and DM16 of the Core Strategy. With conditions in place, he saw no reason to refuse the application. Councillor Ovenden advised that the site was almost invisible from most viewpoints, and was of the view that the proposed block would improve the site. In response to concerns raised about the roof height and size of the building, the Planning Officer advised that the ridge height had been reduced by 1.5 metres following discussions with the applicant, adding that this was the lowest pitch it could be for the type of roof proposed. He advised that there were no specific policies on amenity blocks. However, the block would be no larger than a bungalow and he reiterated that it would be used on a daily basis by twelve family members.

RESOLVED: (a) That Application No DOV/18/00609 be APPROVED subject to the following conditions:

(i) 3-year time commencement;

(ii) In accordance with approved plans;

(iii) Material samples to be submitted;

(iv) No business use at any time;

(v) Sole use of Mr Henry Lee and immediate family.

(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.

78 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.48pm for a short break and reconvened at 7.56pm.

79 APPLICATION NO DOV/18/00692 - LAND AND GARAGES REAR OF AND INCLUDING 4 AND 5 THE DROVEWAY, ST MARGARET'S BAY

Members were shown drawings, plans and photographs of the application site. The Planning Officer advised that there was extant planning permission on the site and the application sought to vary that permission. The number of residential units would remain the same. However, changes were sought to all five units and these were set out in detail in paragraph 1.5 of the report. There would be no changes in ridge height and the access would remain largely unchanged.

RESOLVED: (a) That Application No DOV/18/00692 be APPROVED subject to the following conditions:

- (i) 3 years from 1 April 2016;
 - (ii) In accordance with approved plans;
 - (iii) Window in unit 3 en-suite bathroom to have sill no lower than 1.7 metres above the internal floor level;
 - (iv) Reapply/alter necessary conditions of 2016 permission.
- (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.

80 APPLICATION NO DOV/18/00654 - SITE ADJACENT PLOT 1, ANCHORAGE AND COLLINGWOOD HOUSE, COLLINGWOOD ROAD, ST MARGARET'S-AT-CLIFFE

The Committee viewed plans and photographs of the application site. The Principal Planner advised that this was the first of two similar applications for the development of two sites which were situated beyond settlement boundaries and in the Kent Downs Area of Outstanding Natural Beauty (AONB). The application was therefore contrary to Policies DM15 and DM16 of the Core Strategy. Members were asked to note that the proposed dwelling would be next door to a dwelling currently under construction that had been permitted due to its design and the fact it was a replacement dwelling. As an outline application, with all matters reserved, there were no details on which to assess whether the development could be justified on the basis of exceptional design and quality. Refusal was therefore recommended.

Councillor Chandler referred to the site's rural location in the AONB. The only justifiable reason for granting permission would be if the proposed dwelling was of exceptional design and quality. In the absence of these details, permission should not be granted. The Chairman added that it was unlikely that the applicant would be able to overcome Policies DM1, DM11 and DM15 even if the design was exceptional. He emphasised that, whilst an application had been approved that evening which was against Policy DM1, Members had concluded in that case that the benefits of the development outweighed any harm.

- RESOLVED: (a) That Application No DOV/18/00654 be REFUSED on the grounds that the proposed development, if permitted, by virtue of its location outside of settlement boundaries in a countryside location within the nationally designated Kent Downs Area of Outstanding Natural Beauty, would result in an unsustainable form of urbanising development, an unjustified loss of countryside and harm to landscape character, and would give rise to an over-reliance on the private motor car as the primary means of transport, contrary to Core Strategy policies CP1, DM1, DM11, DM15 and DM16 and the aims and objectives of the National Planning Policy Framework, in particular paragraphs 2, 8, 11, 78, 124, 127, 130, 170, 172 and 177.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any reason for refusal in line with the issues set out in the recommendation and as resolved by the Planning Committee.

81 APPLICATION NO DOV/18/00655 - SITE ADJOINING PLOT 1, ANCHORAGE AND COLLINGWOOD HOUSE, COLLINGWOOD ROAD, ST. MARGARET'S-AT-CLIFFE

The Committee was shown plans and photographs of the application site which was next door to the site previously considered by the Committee. The Principal Planner advised that outline planning permission was sought for the erection of a single dwelling on a site which was outside the settlement confines and in the AONB. The application was therefore contrary to Policies DM15 and DM16. As an outline application, with all matters reserved, there were no details available on which to assess whether development could be justified on the basis of exceptional design and quality. Refusal was therefore recommended.

Councillor Gardner proposed that the application should be refused for the reasons set out in the report.

RESOLVED: (a) That Application No DOV/18/00655 be REFUSED on the grounds that the proposed development, if permitted, by virtue of its location outside of settlement boundaries in a countryside location within the nationally designated Kent Downs Area of Outstanding Natural Beauty, would result in an unsustainable form of urbanising development, an unjustified loss of countryside and harm to landscape character, and would give rise to an over-reliance on the private motor car as the primary means of transport, contrary to Core Strategy policies CP1, DM1, DM11, DM15 and DM16 and the aims and objectives of the National Planning Policy Framework, in particular paragraphs 2, 8, 11, 78, 124, 127, 130, 170, 172 and 177.

82 APPEALS AND INFORMAL HEARINGS

The Planning Delivery Manager advised that only two of the nineteen appeals determined between July and September 2018 had been upheld. He suggested that this was due to a more rigorous approach being adopted in respect of delegated decisions, with a second stage review having been recently introduced. Transport appeared to be a recurring issue and the intention was to undertake Member training to address this.

RESOLVED: That the report be noted.

83 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 8.27 pm.