

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 24 January 2019 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
P M Beresford
T A Bond
D G Cronk
M R Eddy
B Gardner
P J Hawkins
M J Ovenden
P M Wallace

Officers: Principal Planner
Senior 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/18/00975 | Councillor Peter Jull | ----- |
| DOV/18/01006 | ----- | Ms Donna Foster |
| DOV/18/00643 | Mr John Tate | Councillor Mike Conolly |
| DOV/18/00915 | Mr David Cason | ----- |

113 APOLOGIES

It was noted that there were no apologies for absence.

114 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

115 DECLARATIONS OF INTEREST

There were no declarations of interest.

116 MINUTES

The minutes of the meeting held on 20 December 2018 were approved as a correct record and signed by the Chairman.

117 ITEMS DEFERRED

The Chairman advised that, of the two items deferred, one was due for consideration at the meeting.

118 APPLICATION NO DOV/18/00975 - THE TIDES, 9 ST MARGARET'S ROAD, ST MARGARET'S BAY, DOVER

The Committee viewed drawings of the proposal. The Senior Planner advised that the Section 73 application sought the removal of condition 4 attached to planning permission DOV/17/0178. This condition related to the use of non-reflective glazing in the south-east elevation. As a result of information received from the applicant's agent since the report was written, Officers were now also recommending the removal of the condition which required that all glazing to the balcony in the south-west elevation should be non-reflective glazing, listed as condition 7 within the recommendation section of the report. Paragraphs 2.8 to 2.11 of the report set out the reasons why the proposal was considered acceptable.

The Chairman commented that the proposed dwelling had considerably more glazing than was normal. Following the submission of evidence that had not been available at the time of the original planning permission, the Committee was in a position to agree that non-reflective glazing was no longer necessary.

RESOLVED: That Application No DOV/18/00975 be APPROVED subject to the following conditions:

- (i) Standard time;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Retention of existing hedge;
- (v) No further openings on the south-west roof slope of the garage/studio;
- (vi) No use of flat roof areas other than for emergencies/maintenance.

119 APPLICATION NO DOV/18/01006 - LAND AT BELVEDERE GARDENS, DEAL

Members were shown plans, drawings and photographs of the application site. The Planning Officer updated Members, advising that an image received from a neighbour and e-mails received from the applicant had not changed Officers' recommendation. As a correction to the report, she advised that paragraph 2.17 should be amended to read: 'In summary, it means that the proposed dwelling has been orientated such that the longer and bulkier elevation would face the neighbouring properties in question, i.e. nos 42 and 44, albeit the gables would no longer be adjacent to these neighbours.'

The site had an extensive planning history. Three previous applications had sought the erection of one dwelling, albeit of different scales and designs. All three applications had been refused and dismissed at appeal, the details of which were set out in the report. Whilst the proposed dwelling had been re-orientated, it was larger than the previously refused schemes, and failed to mitigate concerns raised about the sense of enclosure that would be created to 44 Foster Way. The proposed dwelling would also result in the loss of an important gap, and cause unacceptable harm to the character and appearance of the area.

Councillor T A Bond referred to the number of times the site had appeared before Committee, and expressed concerns regarding the over-intensification of the area. He fully supported the Officer's recommendation. Councillors D G Cronk and P M Hawkins concurred, the latter commenting that the area was already over-developed and adding another property would only make it worse. In response to comments made by Councillor B Gardner, the Chairman clarified that, whilst the development of the site within the settlement confines of Deal was considered acceptable in principle, this was subject to specific considerations regarding the site.

RESOLVED: (a) That Application No DOV/18/01006 be REFUSED on the following grounds:

- (i) The proposed development, by virtue of the location, layout, scale and design of the dwellings, together with their relationship with adjoining properties, would create a cramped and congested form of development, out of character with the pattern of development within the area. Consequently, the development would fail to integrate into, and cause harm to, the character and quality of the area, contrary to paragraphs 127, 130 and 131 of the National Planning Policy Framework.
 - (ii) The proposed dwelling, by virtue of its location, scale and relationship with No 44 Foster Way, would cause an unacceptable sense of enclosure to, and corresponding loss of outlook from, that property, resulting in an unacceptable loss of amenity, contrary to paragraph 127 of the National Planning Policy Framework.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any reasons for refusal in line with the issues set out in the recommendation and as resolved by the Planning Committee.

120 APPLICATION NO DOV/18/00643 - LAND TO THE WEST SIDE OF MOAT LANE, ASH, SANDWICH

The Committee viewed plans and photographs of the application site. The Planning Officer reminded Members that the application had been deferred by the Committee in November pending the receipt of an up-to-date Ordnance Survey (OS) map and a further view from Kent County Council (KCC) Archaeology following the discovery of historic structures on the site. KCC Archaeology had confirmed that it was content with the original archaeological condition. The site was in a sustainable location and there would be no harm to residential amenity. Approval was therefore recommended.

In response to concerns raised by Councillor Gardner, the Planning Officer advised that a reference to Holly House in paragraph 2.13 of the report should be amended to The Croft. She also clarified that there would be no loss of privacy for The Croft as there would be no windows in the elevation facing this property.

Councillor Gardner expressed concerns that residents were suggesting that Moat Lane was narrower than indicated by the map. He proposed that a site visit should

be held to look at access arrangements (including the impact on the tree that was the subject of a Tree Preservation Order), and the impact of the proposed dwellings on neighbouring properties and the setting and character of the area.

Councillor Bond argued that there should be robust reasons to build outside village confines. He also raised concerns about the accuracy of the plans. The Principal Planner clarified that the purpose of the site map included with the agenda was to assist Members in identifying where the site was. Whilst the OS map had not been updated, the map submitted by the applicant with the application and shown as part of the presentation was up-to-date and accurate.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/18/00643 be DEFERRED for a site visit to be held on Tuesday 26 February 2019 at 09.30 am to allow Members to assess: (i) Access arrangements, including their impact on the TPO tree; (ii) Relationship to, and impact on, neighbouring properties; and (iii) Impact on the setting and character of the area, and Councillors M R Eddy, B Gardner, P M Hawkins, M J Ovenden and P M Wallace (reserve: Councillor F J W Scales) be appointed to visit the site.

121 APPLICATION NO DOV/18/00915 - LAND ADJACENT TO WESTFIELDS, HANGMAN'S LANE, RINGWOULD, DEAL

Members were shown a map, drawings, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of a detached, 5/6-bedroomed dwelling. The starting point for assessing the application was the Development Plan, specifically Policies DM1, DM11 and DM15. DM1 and DM15 sought to prevent development in the countryside unless allowed by other policies. DM11 stated that development that would generate travel outside rural settlement confines would not be permitted unless justified by other Development Plan policies. The application site was outside the confines, contrary to these policies and not supported by other policies. Adjoining the site, Westfields was clearly visible, and a lack of ground vegetation at the application site would increase the visibility of the proposed dwelling in views from the Public Right of Way. The site was in an unsustainable location, and the provision of one dwelling did not justify a departure from Development Plan policies.

Councillor Bond concurred with the Officer's recommendation, arguing that there would need to be good reasons to go against Development Plan policies. He suggested that the application should be refused. Councillor M J Ovenden argued that if more of these 'windfall' sites were approved, they would go some way to meeting the Council's five-year housing land supply. The Principal Planner clarified that the Development Plan was under review and therefore regard should be had to the weight that could be attributed to policies. However, in recent appeal rulings Planning Inspectors had stated that the Council's policies were generally in accordance with the National Planning Policy Framework and therefore continued to carry substantial weight. The application therefore needed to be assessed against existing policies.

RESOLVED: That application No DOV/18/00915 be REFUSED on the grounds that the proposed development, if permitted, by virtue of its location and scale, would result in an unsustainable form of development which would fail to limit the need to travel or offer genuine choice of transport modes, and cause harm to the character and appearance of the countryside. The proposal would be highly visible within its

rural setting. The proposal is therefore contrary to Policies DM1, DM11 and DM15 of the Dover District Core Strategy and paragraphs 102, 103, 110, 127 and 170 of the National Planning Policy Framework.

122 APPEALS AND INFORMAL HEARINGS

The Planning Delivery Manager introduced the report and advised of a correction - that nine rather than seven appeals had been determined during the October to December period. He clarified that some appeal decisions had come in late before Christmas and were therefore not included in the report.

A cost award had been made against the Council in respect of an appeal relating to the Abbey Homes development at Woodnesborough Road, Sandwich. The award had been triggered by the Council's delay in commissioning the independent highways assessment (as resolved by the Committee). The Planning Inspector had recognised the applicant's frustration at the undue delay, and had inferred that the Committee should pay more attention to professional advice. In this regard, Officers were considering providing training for Members. Councillor Gardner welcomed the suggestion but commented that there was little point in offering it before May.

RESOLVED: That the report be noted.

123 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 7.17 pm.