

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 16 January 2020 at 6.01 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
D G Beaney
E A Biggs
T A Bond
J P J Burman
D G Cronk
D P Murphy
O C de R Richardson
H M Williams

Also present: Councillor P D Jull
Councillor C A Vinson

Officers: Principal Planner
Principal Planner
Principal Planner
Development Planner (Kent County Council Highways)
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/19/00856	Mr Gary Bamfield	Mr Stephen Nutley
DOV/19/00120	Ms Alison Thompson	Ms Shelley Morris
DOV/19/00642	Mr John Mackenzie	Mrs Sharon Laflin

78 APOLOGIES

It was noted that there were no apologies for absence.

79 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

80 DECLARATIONS OF INTEREST

Councillor D P Murphy declared an Other Significant Interest in Agenda Item 9 (Application No DOV/19/00642 – Site at Cross Road, Deal) by reason that he was vice-chairman of the board of governors at Deal Parochial Primary School which would be a beneficiary of Section 106 monies arising from the development.

Councillor D G Beaney made a Voluntary Announcement of Other Interests in Agenda Item 6 (Application No DOV/19/00856 – Land rear of 56 Sandwich Road,

Eythorne) by reason that, whilst the applicant was known to him, he did not have a close association with him.

81 MINUTES

The minutes of the meeting held on 5 December 2019 were approved as a correct record and signed by the Chairman.

82 ITEMS DEFERRED

The Chairman advised that, whilst it appeared on the agenda for determination, Application No DOV/19/00669 (Land between nos 107 and 127 Capel Street, Capel-le-Ferne) had been withdrawn from the agenda due to the need for Officers to consider an independent highways report submitted by Capel-le-Ferne Parish Council.

83 APPLICATION NO DOV/19/00856 - LAND REAR OF 56 SANDWICH ROAD, EYTHORNE

Members viewed drawings, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of two detached dwellings at a site in Eythorne. As a correction to the report, Members were advised that twelve representations had been received, of which seven were objecting to the application. It was also confirmed that access would be via Sandwich Road and not Eythorne Road as stated in the report.

A previous application had been refused on grounds of overlooking, loss of privacy and harm to the character and appearance of the area. Whilst the application had been dismissed at appeal, the Planning Inspector had concluded that there would be no harm to the character and appearance of the area. Whilst the layout of the current scheme was similar to the previous application, the large rear dormers had been replaced with light tunnels and, whilst a small front projecting gable had been introduced to improve the visual impact on the street scene, it would not harm residential amenity. Officers were satisfied that the light tunnels had overcome one of the reasons for the previous refusal. It was proposed that a condition should be added requiring details of visibility splays.

In response to Councillor O C de R Richardson, the Principal Planner clarified that Public Right of Way EE348 was adjacent to the site, running along New Road. Councillor D G Cronk stated that the site was too small for two dwellings and, in his view, the proposal would be an over-development. In response to Councillor J P J Burman, it was clarified that soakaway details would be required as part of the conditions dealing with surface and foul water disposal. It would be for Building Control to ensure they complied with these conditions. Councillor T A Bond commented that, whilst he sympathised with views that it would be a cramped development, he did not think this was sufficient to warrant refusal of the application.

RESOLVED: (a) That Application No DOV/19/00856 be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) List of approved plans;

- (iii) Samples of materials;
- (iv) Pre-commencement construction management plan;
- (v) Pre-commencement details of measures to prevent discharge of surface water onto highway from the access;
- (vi) Pre-commencement scheme for the disposal of foul sewage;
- (vii) Pre-commencement details of site drainage works for the disposal of surface water;
- (viii) Pre-commencement details of visibility splays;
- (ix) Provision, surfacing and drainage and retention of vehicle parking space;
- (x) Bound surface of first 5 metres of vehicle access;
- (xi) Sectional drawings of light tubes which shall be obscure glazed and non-opening;
- (xii) Removal of permitted development rights for classes A, B, C and E of Part 1 of Schedule 2;
- (xiii) Retention of hedgerows and replacement where damaged (within 5 years of completion of development);
- (xiv) Completion of hard and soft landscaping;
- (xv) Provision of bicycle and refuse storage shown on plans.

(b) That powers be delegated to the Head of Planning, 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.

84 APPLICATION NO DOV/19/00120 - LAND EAST OF THE COURTYARD, DURLOCK ROAD, STAPLE

The Committee was shown drawings, plans and photographs of the application site which had been identified as a result of a rural housing needs survey carried out in 2015. The Principal Planner advised that the application sought permission for the erection of eight dwellings, with the sale of two market dwellings subsidising the construction of six affordable rental properties. Whilst the site was outside the settlement confines (albeit adjoining it to the south and west) and therefore contrary to Policies CP1 and DM1 of the Council's Core Strategy, the National Planning Policy Framework (NPPF) took a more flexible approach in respect of development that met rural housing needs. The Committee's assessment of the application would therefore need to take this into account. Concerns raised initially by Kent County Council (KCC) Highways had been overcome by the submission of additional

information. Flooding problems in the area had also been identified. However, the development incorporated measures to dispose of surface water so the scheme was unlikely to make matters worse and could even improve the situation. A Section 106 agreement would ensure that properties would go to those most eligible. Due to concerns raised by the Council's Heritage Officer about the proposal's impact on the two listed properties opposite the site, amended plans had been submitted and there were now no objections to the scheme on heritage grounds.

In response to concerns expressed by Councillor Bond about eligibility, the Planning Solicitor advised that the affordable housing would initially be limited to people in Staple but offered elsewhere to people on the Council's housing register if no further need in Staple was identified. The Principal Planner clarified that the area was not in a flood zone. At the time the committee photographs were taken there had been localised flooding which had been caused by a blocked drain in the road. Councillor E A Biggs welcomed the scheme, as did the Chairman who urged other parishes to follow Staple's example.

RESOLVED: (a) That, subject to a Section 106 agreement to secure six local needs houses, Application No DOV/19/00120 be APPROVED, subject to the following conditions:

- (i) Standard time limit;
 - (ii) Drawing numbers;
 - (iii) Samples of materials;
 - (iv) Joinery details;
 - (v) Boundary treatment;
 - (vi) Site levels;
 - (vii) Ecological mitigation;
 - (viii) Landscaping scheme – including the retention of hedgerows;
 - (ix) Construction Management Plan;
 - (x) Foul and surface water drainage details;
 - (xi) Parking spaces/garage retention;
 - (xii) Highways – visibility splays;
 - (xiii) Removal of permitted development rights – boundary treatment, extensions and alterations to roofs.
- (b) That powers be delegated to the Head of Planning, 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 were shown an aerial view, plans and photographs of the application site. The Principal Planner advised that the application sought outline planning permission for the erection of up to 100 dwellings on a site which adjoined the settlement confines of Deal. Sixteen additional representations from neighbours had been received, largely reiterating concerns previously raised, such as impact on local road network, drainage, rare lizards and building in the countryside. Sholden Parish Council had also raised an additional objection, questioning the Council's policy position. As an addition to paragraph 2.69 of the report, Members were advised that a financial contribution of £89,700 would be made towards the Balmoral GP surgery in Deal, at the request of the NHS Clinical Commissioning Group.

Referring to paragraph 2.2 onwards of the report, the Principal Planner highlighted that the policies which were most important for determining the application were Policies DM1, DM11 and DM15. The erection of dwellings at this location would, by definition, be contrary to Policy DM1 which stated that development should not be permitted on land outside the settlement confines. Whilst DM11 sought to resist development outside the confines if it would generate a need to travel, Officers considered that the site's location adjacent to settlement confines would allow occupants to access local facilities and services without the use of a private car. With reference to DM15, it was acknowledged that there would be a loss of countryside. However, it was considered that the development would have only a limited impact on the character and appearance of the countryside which would be further mitigated by the form of the development and proposed landscaping. Given that the Council was now required to deliver 629 dwellings per annum in accordance with the government's standardised methodology, in contrast with the 505 dwellings that Policy DM1 had been designed to deliver under the current Core Strategy, Officers had concluded that all three policies were out-of-date for the purposes of assessing the application. There was therefore a need to assess the application against paragraph 11 of the NPPF which stated that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.

Looking at the proposed scheme, Members were advised that there would be an attenuation pond to deal with surface water. Footpaths linking the development to Cross Road and Station Road were proposed. Landscaping and visual impact assessments had been submitted, and buffer planting was proposed to the west. The developer would be making a significant number of financial contributions, as well as providing 30% affordable housing. A number of off-site highway works were proposed, including the widening of Cross Road and Station Road, and these were described at pages 93 and 94 of the report. In respect of the highways impact, KCC Highways had advised that there was sufficient capacity in the local highway network. All these factors considered, Officers considered that the proposed development would cause no significant or demonstrable harm, and approval was therefore recommended.

Councillor J P J Burman commented that there had been an unprecedented number of objections made to the proposed development, including from Walmer, Great Mongeham and Sholden Parish Councils and Deal Town Council. The impact on the local road network was of particular concern, especially the Dover Road/Station Road junction which was already under pressure from other developments. He proposed that a site visit should be held. Councillor Cronk echoed these concerns,

arguing that Cross Road was too narrow and the access unsatisfactory. He also queried where children of secondary school age would go given that there were no longer any places left in Deal. Councillor H M Williams raised concerns about the pressure already placed on local infrastructure by recent developments in Walmer and Mill Hill. Councillor Richardson reported that there had been a 25% increase in traffic through Mongeham and Ripple in recent years which would only worsen with the new development.

The KCC Highways Development Planner confirmed that he had visited the site several times, as a result of which the plans had been amended following discussions with the developer. He reminded Members that the highway works were designed to mitigate the impact of the development and not to solve existing problems. The methodology was to look at the number of trips likely to be generated by the development and the distribution of those trips. In this case, it had been assessed that the development would generate 20 additional movements through the Station Road/Dover Road junction at peak times. The Committee was also advised that the developer was required to assess the potential traffic situation in five years' time. He added that, as part of the Station Road development, improvements were already being made to the Station Road/Dover Road junction in order to address queueing, and it was not anticipated that additional measures would be required for the Cross Road scheme.

The Principal Planner clarified that the developer's transport assessment would have considered all committed developments and included them in trip calculations. Members were reminded that the proposed highway works had been submitted by the developer, and KCC Highways' role was to assess whether they would mitigate the impact of the development. She clarified that primary and secondary school places would be provided through the Section 106 agreement. That said, it was anticipated that there would be a peak in school pupil numbers in approximately two years' time when this development would not yet have been built.

Councillor Bond commented that, as a site outside the settlement confines, Members had to consider whether to make an exception and grant planning permission. In order to do so, they had to be convinced that the development was sustainable, there was adequate infrastructure and that it would cause no harm. He argued that the 629 housing target quoted by Officers was misleading because the revised Local Plan had not yet been adopted. The Station Road/Dover Road junction was notoriously bad, and he had misgivings about plans to widen roads. Most children in Deal could only get to a primary school by car, and secondary schools in Deal were already nearly full which meant that too many children were having to commute to schools in Dover and Sandwich. These illustrated the inadequate infrastructure. In his view, there was no valid reason to overrule the existing Local Plan, and he could not therefore support the application.

The Planning Solicitor clarified that, where the Core Strategy was more than five years old, the NPPF required the Council to re-calculate its housing target using the Government's standardised methodology. Whilst the site was outside the settlement boundaries, Members should bear in mind that the existing boundaries had been drawn up with a view to delivering 505 dwellings rather than the 629 currently required. Moreover, Policy DM1 was out-of-date as it was not consistent with the NPPF. The Local Plan was the starting point for determining the application, but in this case the NPPF stated that there was a presumption in favour of sustainable development unless the proposal would cause significant and demonstrable harm that outweighed the benefits, in other words, the 'tilted balance' approach was

engaged. If Members believed that such harm would be caused, they would need to demonstrate it.

The Principal Planner stressed that the 'tilted balance' was relevant, not because the existing housing target had not been met, but because paragraph 11 of the NPPF required Members to weigh any significant and demonstrable harm against the benefits where local policies were considered out-of-date. In respect of the highways network, the NPPF referred to severe cumulative impact. Given that KCC Highways had raised no objections, it would be for Members to provide evidence and demonstrate where these impacts would be. He cautioned that going against professional advice could lead to costs being awarded against the Local Planning Authority at appeal, as had occurred in at least two recent cases. Moreover, should the application be deferred, it was possible that the applicant could choose to appeal against non-determination.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/19/00642 be DEFERRED for a site visit to be held on Tuesday 11 February 2020 to enable Members to: (i) Look at the surrounding road network in order to consider safety issues and the potential impact on junctions; (ii) View the riding school and understand the potential impact on it; and (iii) View Station Road and consider the potential impact on residents of the proposed road widening, and that Councillors E A Biggs, J P J Burman, D G Cronk, O C de R Richardson and H M Williams (reserve: Councillor R S Walkden) be appointed to visit the site.

86 APPEALS AND INFORMAL HEARINGS

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

87 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 7.59 pm.