

Minutes of the remote meeting of the **PLANNING COMMITTEE** held on Thursday, 13 August 2020 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden  
M Bates  
D G Beaney (Minute Nos 16-19 only)  
E A Biggs  
T A Bond  
J P J Burman  
D G Cronk  
O C de R Richardson  
H M Williams

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

The following persons submitted written statements which were read out by the Democratic Services Manager in lieu of public speaking:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/20/00187	-----	-----
DOV/19/01462	Ms Claire Richards	Mr Martin Porter
DOV/19/00287	Mr Richard Coutts	Ms Carol Blackwood

11 APOLOGIES

It was noted that there were no apologies for absence.

12 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

13 DECLARATIONS OF INTEREST

There were no declarations of interest.

14 MINUTES

The minutes of the meeting held on 2 July 2020 were approved as a correct record and signed by the Chairman.

15 APPLICATION NO DOV/20/00187 - GARAGE BLOCK BETWEEN 42 AND 44 KIMBERLEY CLOSE, DOVER

Members viewed an aerial view, drawings, plans and photographs of the application site. As an update to the report, the Principal Planner advised that the applicant had agreed to a pre-commencement condition on drainage and the developer contributions set out in the report. The proposal involved the demolition of existing garages and the erection of two two-storey buildings, each accommodating eight studio flats. The development was one of a number of schemes being brought forward by Dover District Council to provide bespoke accommodation for homeless people for a limited period. The flats were aimed at single adults whose periods of tenancy would be limited by condition. Concerns had been raised about the loss of parking spaces. However, alternative parking had been found for garage owners, and there was sufficient parking in the vicinity to accommodate others. The proposal would provide much-needed units of temporary accommodation in a sustainable location. Given that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, approval was recommended.

In response to Councillor D G Cronk, the Principal Planner clarified that parking spaces would not be allocated to individual flats, and that only the ground-floor flats would be accessible by wheelchair users. National space standards had not been adopted by the Council which meant that only limited weight could be attributed to them. That said, the National Planning Policy Framework (NPPF) stipulated that there should be an adequate level of amenity for occupiers. He stressed that a condition would limit the amount of time that tenants spent in the units, in recognition of their size. Councillor R S Walkden indicated his support for the initiative which would move homeless people off the streets before they went into permanent accommodation.

In response to concerns expressed by Councillor E A Biggs about the length of tenancies, the Principal Planner advised that the Council's housing team had identified 12 months as an appropriate tenancy period. Tenants would be supported by the Council and moved on at an appropriate time by the housing team. The proposal's aim was to get the homeless off the streets and to provide an alternative to B&B accommodation. Councillor O C de R Richardson agreed that the accommodation was a 'staging post' and 12 months was therefore an appropriate tenancy period. In response to Members' views, the Principal Planner agreed that condition 10) would be amended to limit occupancy to one person and for a period of no more than 12 months.

**RESOLVED:** (a) That, subject to confirmation of the receipt of all development contributions as set out in the report, Application No DOV/20/00187 be APPROVED subject to the following conditions:

- (i) Standard commencement condition;
- (ii) List of approved plans;
- (iii) Submission of details of external materials;
- (iv) Submission of landscaping scheme, including boundary treatment on garden boundaries with Kimberley Close where garages are to be removed;
- (v) Provision of car parking;
- (vi) Provision of cycle parking;

- (vii) Provision of refuse facilities;
  - (viii) Yellow lines/junction protection;
  - (ix) Obscured glazing;
  - (x) Occupancy limitation to one person per unit and for a period of no more than 12 months;
  - (xi) Unforeseen contamination;
  - (xii) Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition);
  - (xiii) Verification of installation and effectiveness of drainage scheme;
  - (xiv) Limitation on infiltration of water to the ground, other than as explicitly approved;
  - (xv) Provision of bird and bat boxes;
  - (xvi) External lighting to be designed having regard to bats;
  - (xvii) Construction Management Plan;
  - (xviii) Provision of infrastructure to facilitate broadband.
- (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 report and as resolved by the Planning Committee, and to draft and issue a Statement of Reasons.

Informatives:

- (a) Need for consent to connect to sewer (SW)
- (b) Other sewers running through site (SW)
- (c) Advice on biodiversity measures to be incorporated into the landscaping scheme.
- (d) Incorporation of technical design measures regarding Secured by Design.

16 APPLICATION NO DOV/19/01462 - LAND NORTH OF ORCHARD VIEW AND WEST OF SAUNDERS LANE, ASH

The Committee was shown an aerial view, plans and photographs of the application site which was outside, but adjoining, the settlement confines of Ash. The Principal Planner advised Members that the Committee's resolution would be subject to no new issues being raised during the public consultation period which was yet to expire. As an update to the report, she advised that three further objections had been received which raised no new issues. The applicant had also requested that Members be advised that the East Kent Public Rights of Way team had confirmed

that it was satisfied in principle with the proposed amendments and the impact of these on the PROW (Public Right of Way).

The site was situated in a shallow valley and therefore largely screened from the wider landscape. To the north-west lay a Grade II-listed building and to the west a PROW and Collar Makers Green. Views from the east were largely screened by existing planting. However, the indicative layout would need to be amended to address Officers' concerns about the PROW, crime prevention and ground levels, with the potential impact on Collar Makers Green, such that a reduction in the number of dwellings might be likely at the reserved matters stage. Following some concerns raised by Kent County Council (KCC) Highways and a road safety audit, KCC Highways had confirmed that it now had no objections.

The Committee was advised that the Local Plan policies that were most relevant in determining the application were DM1, DM11 and DM15. A full assessment of these was set out in the report. The development was, technically, contrary to Policy DM1 as the site lay outside the confines. Likewise, the proposal was contrary to Policy DM11 which sought to resist development outside the confines. However, the site adjoined the village confines and was within walking distance of a number of local facilities. On this basis the location of the site was considered acceptable as it would foster a sustainable pattern of development. In respect of Policy DM15, it was considered that the proposal was only partly contrary to the policy. In accordance with the Government's standardised methodology for calculating the district's housing need, it was now necessary for the Council to deliver more houses than those provided for in the existing Core Strategy policies. These matters were currently being assessed as part of the Local Plan review. As a matter of judgement it was considered that Policy DM1 was now out-of-date and that Policies DM11 and DM15 were in tension with the NPPF. These factors meant that the 'tilted balance' approach identified in paragraph 11 of the NPPF was engaged. In other words, Members would need to assess whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

Whilst the site had not been included in the Draft Ash Neighbourhood Plan which was still the subject of public consultation and therefore of limited weight, it had been identified in the Housing and Economic Land Availability Assessment (HELAA) process (part of the Local Plan review) as an 'amber' site with potential for development. A full assessment of the site was set out in the report. In summary, it was a sustainable site with access to village facilities. 30% affordable housing would be provided, along with contributions towards local facilities and open space. Moreover, Officers considered that no significant harm would be caused by the development. Whilst significant local objections had been raised, there were no clear reasons to refuse planning permission in line with national policy considerations.

In response to queries from Councillor Walkden, the Principal Planner confirmed that any reserved matters application would come back to the Planning Committee. Officers were confident that acceptable access could be achieved, and further details of access arrangements would be required by condition. She confirmed that the walking distance from the site to the village was within established guidelines for walking distances. She explained that the site was classified as 'amber' in the HELAA as it was only sites that had planning permission or were already allocated that were regarded as 'green' sites. Further assessment work would need to be undertaken before the site could be upgraded to a 'green' classification.

In response to Councillor Richardson, she advised that historic data suggested that the site had been a landfill site and this had been confirmed by Environmental Health and the Environment Agency. As a result, further contamination tests would be required which would be controlled by condition. She clarified that plans submitted in relation to the PROW would need further consideration and amendment in order to address concerns raised by Kent Police about security measures. These issues could be resolved at the reserved matters stage.

Councillor H M Williams questioned the sustainability of the location which was some distance from local centres of employment, with no access to trains or a secondary school. She also expressed concerns that the site had been excluded from the Ash Neighbourhood Development Plan (NDP). Her understanding was that the NDP was designed to give communities the opportunity to shape development in their areas. However, it appeared that the views of Ash Parish Council and the wider community were being ignored, to the detriment of local democracy.

The Principal Planner responded that the NDP was still out to consultation and yet to go through the regulation stages which meant that it currently held limited weight in the decision-making process. Ash was designated as a service centre in the Core Strategy and was therefore a location where development would be expected to take place. Whilst there was no railway station, there was a bus service operating along Sandwich Road, and the proposal complied with all the sustainability tests set out in the NPPF. Unlike some other potential sites, the development would have limited visual impact on the wider landscape. The scheme would also provide additional biodiversity and retain woodland. Finally, the financial contributions had been determined by the statutory authorities and would include payments towards the recreation ground, the library and GP surgery, amongst others.

Councillor T A Bond voiced concerns that there were insufficient details, particularly in respect of drainage, which made it difficult for Members to assess whether such a development outside the confines could be justified. The loss of countryside concerned him, and he questioned the sustainability of the site in respect of travel and education. In addition, should the number of dwellings be reduced at the reserved matters stage, there was the possibility that the number of affordable homes – one of the key benefits of the scheme - would also be reduced.

In response to further concerns raised about the access arrangements, the Principal Planner agreed that further details were needed (to be included as conditions) to demonstrate how the access would be engineered and constructed. However, subject to these details, Officers accepted the proposal in principle and KCC Highways had confirmed that it was technically possible and would comply with national standards. In respect of drainage, she stressed that, whilst a capacity issue had been identified by Southern Water, conditions would ensure that measures to address this were submitted for approval and delivered before occupation. Ultimately, Officers were confident that a satisfactory drainage scheme could be achieved.

Councillor Walkden reiterated that, as an outline application, it was to be expected that there would be details outstanding. However, these and other questions would be answered when the application came back to the Committee. The Committee's decision at this stage was to agree whether or not the site was suitable for development in principle.

It was proposed by Councillor R S Walkden and duly seconded that Outline Planning Permission for Application No DOV/19/01462 be APPROVED.

On being put to the vote, there was an equality of votes. The Chairman therefore used his casting vote in favour of outline approval and the motion was CARRIED.

RESOLVED: (a) That, subject to the expiry of the public consultation period and no new issues being raised, Outline Planning Permission for Application No DOV/19/01462 be APPROVED subject to a Section 106 legal agreement to secure necessary planning contributions and the following conditions:

- (i) Reserved matters details;
- (ii) Outline time limit;
- (iii) Approved plans;
- (iv) Existing and proposed site levels, slab levels and building heights;
- (v) Ecological mitigation, biodiversity enhancement and recommendations implemented and maintained;
- (vi) Construction Management Plan;
- (vii) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to footpaths and drainage);
- (viii) Completion of the access and associated highway alterations prior to commencement;
- (ix) Completion of the pedestrian crossing point and associated highway alterations prior to commencement;
- (x) The proposed verges, junctions, street-lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, carriageway gradients and street furniture constructed in accordance with plans;
- (xi) Closure of the existing accesses link in Saunders Lane prior to commencement;
- (xii) Full engineering, gradient and level changes including cross sections relating to adjacent land submitted;
- (xiii) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (if not addressed in Section 106 legal agreement);

- (xiv) Full scheme of landscaping details and maintenance of green spaces;
  - (xv) Protection of trees and hedges and tree retention and RPZ plans;
  - (xvi) Hard landscaping works and boundary details/enclosures;
  - (xvii) Contamination conditions – (3) Site investigation, risk assessment, remediation and verification;
  - (xviii) Reporting of unexpected land contamination;
  - (xix) Design details of surface water drainage strategy;
  - (xx) Implementation and verification of SuDS scheme;
  - (xxi) No other forms of infiltration;
  - (xxii) Environmental Construction Management Plan;
  - (xxiii) Programme of archaeological works/excavation;
  - (xxiv) Details to be submitted at reserved matters for compliance with Secured by Design principles;
  - (xxv) Electric Vehicle Charging points for dwellings/parking spaces;
  - (xxvi) Broadband connection;
  - (xxvii) Foul drainage scheme;
  - (xxviii) Timetable and delivery of foul drainage, limit to use until infrastructure provision;
  - (xxix) Refuse collection and storage.
- (b) That powers be delegated to the Head of Planning, 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.

Informative: That the Planning Committee will determine any Reserved Matters application.

17 APPLICATION NO DOV/19/00287 - FORMER PLAYGROUND, NORTH MILITARY ROAD, DOVER

Members were shown an aerial view, drawings and photographs of the application site. The Principal Planner advised that planning permission was sought for the erection of a six-storey building containing 20 flats, with parking for fourteen cars at ground floor level. The site had previously received planning permission that had expired in 2009.

The Principal Planner advised that the north-eastern elevation of the building would be stepped in whilst the top floor would take the form of a penthouse. As part of the current proposal, the architect had incorporated architectural features from the surrounding area. Whilst the nature of the access would not allow for standard visibility measures, this was deemed acceptable as the speed of vehicles travelling uphill would be slower. Southern Water had confirmed that foul and surface water drainage could be accommodated, and a suitable condition would be attached. The applicant's viability assessment indicated that affordable housing could not be provided as it would lead to a loss of £2 million. This assessment had been independently reviewed and found to be accurate. Due to the topography of the site and the orientation of the buildings, it was considered that there would be no harm caused to neighbouring residential amenity.

In response to concerns raised by Councillor M Bates about parking provision, the Principal Planner advised that the Core Strategy aimed to limit parking provision in sustainable locations in order to encourage cycling and walking. Removing some of the parking for cycles on the ground floor would go against this aim. In any case, there were limitations in how much parking could be provided given the constraints of the site. The Chairman added that, in any case, Military Road was a wide road with ample parking on both sides.

Councillor Biggs commented that the proposed building was completely inappropriate for the location in terms of pricing and design. He was sceptical that the development would ever go ahead at a loss of £2 million. By approving the application the Committee would be blocking a site that could be developed more appropriately and for the benefit of the community. The area badly needed affordable housing and he recommended that the application should be refused. Councillor Williams questioned the viability figures and whether the developer's intention was to sell the land on. Councillor J P J Burman agreed that the proposal was out-of-keeping with the area and an over-development of the site. With no affordable housing and insufficient parking, he could not support the scheme.

The Principal Planner advised that if the developer had already spent money on the site, the deficit would in fact be less than £2 million. They might also be hoping that property prices would increase, thus achieving a better return on the site. The proposed scheme was of a high standard and there was nothing else comparable in Dover – a reason why the flats could potentially sell for more than the market value. Like many others, Dover town centre was currently struggling, and a development so close to the town centre would help bring people into the town to use the shops, library, train station, etc. It was difficult to envisage what else could go on the site that would be viable.

Councillor Bond commented that the proposed development was imaginative and better than others which had previously been granted planning permission. Whilst the lack of parking was an issue, on balance he was in favour of the proposal which was in a sustainable location. Councillor Walkden also voiced his support for the proposal as it made good use of the land and Dover needed aspirational developments like this one.

Members were advised that, if they were minded to refuse the application, they should not do so on the grounds of the viability assessment as it had been independently reviewed by the Council's consultant who had concurred with the findings. The fact that the assessment had been carried out in accordance with the Council's methodology set out in the supplementary planning document meant that

a refusal on viability would almost certainly fail at appeal. The Planning Solicitor added that the courts had ruled that a development's financial unviability was not a material consideration when determining an application. Supported by the Council's policy, the lack of affordable housing could potentially be a reason for refusal. However, the viability assessment had demonstrated that affordable housing could not be provided and there was no evidence to suggest that this was incorrect. The Committee needed to consider the 'tilted balance' and the presumption to grant planning permission for sustainable developments unless the adverse impacts of doing so significantly and demonstrably outweighed the benefits.

Councillor Richardson indicated that he wished to see electric vehicle charging points included in any approval. Given the Council's aim to be carbon net zero by 2025, he argued that no sizeable developments should be allowed to proceed without them, especially as they would become cheaper to install over time and could also be used for electric cycles. The Principal Planner advised that it was for Members to decide whether charging points were necessary to make the application acceptable. If so, a condition could be added to require the submission of a scheme for electrical charging points which would be approved by Officers, in consultation with the Chairman. He clarified that the installation of two or three charging points was unlikely to lead to a reduction in the number of parking spaces.

It was proposed by Councillor E A Biggs and duly seconded that Application No DOV/19/00287 be REFUSED on the grounds that the proposal was out-of-keeping with the street scene and character of the area and due to the lack of affordable housing.

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

It was proposed by Councillor T A Bond and duly seconded that Application No DOV/19/00287 be APPROVED as per the report recommendation, with the addition of a condition requiring the submission of a scheme for the provision of electric vehicle charging points.

RESOLVED: (a) That, subject to a Section 106 legal agreement to secure habitat mitigation, Application No DOV/19/00287 be APPROVED as follows:

- (i) Standard time limits;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Full details of window and door frames, including their material and finish;
- (v) Details of window reveals;
- (vi) Details of copings and window surrounds;
- (vii) Details of any railings or screens to balconies;
- (viii) Details of soft landscaping, including to balconies, planters and roofs, together with details of maintenance;

- (ix) Provision of access, car parking and turning areas prior to first occupation;
  - (x) Details of visibility splays to be provided;
  - (xi) Provision of cycle parking;
  - (xii) Provision of refuse storage;
  - (xiii) Detailed scheme for foul water drainage, including a timetable for its implementation;
  - (xiv) Contaminated land;
  - (xv) Details of any plant, ventilation systems, vents, flues, satellite dishes, antennae and utility boxes to be provided to the exterior of the building;
  - (xvi) Construction Management Plan;
  - (xvii) Scheme for the provision of electric vehicle charging points (to be agreed with Chairman of the Planning Committee).
- (b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary issues in line with the matters set out in the recommendation and as resolved by the Planning Committee.

18 APPEALS AND INFORMAL HEARINGS

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

19 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 8.51 pm.