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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 25 June 2015 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: S F Bannister  
T J Bartlett  
T A Bond  
B Gardner  
M J Ovenden  
A F Richardson  
M Rose  
P M Wallace

Officers: Head of Regeneration and Development  
Director of Governance  
Principal Planner (Development Management)  
Principal Planner (Renewable Energy)  
Planning Officer (Enforcement)  
Democratic Support Officer

## 14 APOLOGIES

It was noted that apologies for absence had been received from Councillors J S Back, B W Butcher and D P Murphy.

## 15 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors M J Ovenden and M Rose had been appointed as substitutes for Councillors J S Back and D P Murphy respectively.

## 16 DECLARATIONS OF INTEREST

Councillor A F Richardson made a Voluntary Announcement of Other Interests in respect of Application Nos DOV/14/01211 (Land off Ark Lane, Deal) and DOV/15/00099 (Land adjacent to Mundels, Cherry Lane, Great Mongeham) by reason of his employment with the Canterbury Archaeological Trust and the fact that both applications had archaeological conditions attached to them.

## 17 MINUTES

The minutes of the meeting held on 28 May 2015 were approved as a correct record and signed by the Chairman.

## 18 ITEMS DEFERRED

The Chairman advised Members that Application No DOV/14/01013 (The Beacon Church and Christian Centre, London Road, Dover) had been deferred at the meeting held on 12 March 2015 and was not for consideration at the meeting. In addition, another application (DOV/15/00101 – Land north of Beauchamps, Beauchamps Lane, Nonington), which was not detailed on the agenda, had been deferred for a site visit held on 23 June 2015.

The Committee was shown a plan and photographs of the application site. The Principal Planner (Renewable Energy) advised Members that the proposal related to the erection of 14 three-storey town houses on a rectangular-shaped piece of land on the northern side of Ark Lane. Further to the report, Kent County Council (KCC) Highways had confirmed that, whilst it had no objections, it supported appropriate conditions, including further details of a Construction Management Plan. The Environment Agency had confirmed that there was no risk from tidal flooding. Moreover, it was now satisfied with finished floor levels being 150mm above existing ground levels. KCC, as the lead flood authority, was also satisfied with the proposal.

Officers considered that the proposal would have a limited impact on properties in College Road. The proposal was of a contemporary design, using materials that were sympathetic to its surroundings. Contributions to mitigate the impact of the development amounted to £242,231.

Two principal concerns had been raised relating to a potential conflict between construction traffic and primary school children, and the boundary between the application site and Outdowns, a neighbouring development. The issue of construction traffic would be dealt with in the applicant's Construction Management Plan which would limit the hours of deliveries to the site during term time. In respect of the boundary, there would be no access between the application site and Outdowns, the applicant having confirmed that the boundary wall would be rebuilt. A condition would be attached to address this.

Councillor B Gardner welcomed the proposal which would see development on a brownfield site. The only problem with the proposal had been the boundary wall but, provided a condition was attached to ensure that it was rebuilt, he would support the application. In response to Councillor S F Bannister who made reference to concerns raised by an objector regarding separation distances between the elevations of the development properties and properties in College Road, the Principal Planner advised that the distances varied but were acceptable in the context of an urban site. Concerns had been raised about the loss of sunlight to gardens in College Road and, following a sun path study carried out by the applicant, Officers were satisfied that there would be only a limited loss of sunlight.

- RESOLVED: (a) That Application No DOV/14/1211 be APPROVED subject to the following conditions:
- (i) Standard time limit;
  - (ii) Development in accordance with approved plans;
  - (iii) Sampling for contamination and measures to control if found during development;
  - (iv) Archaeology – specification for evaluation by trial trenching;
  - (v) Details of foul and surface water drainage together with ongoing maintenance requirements;
  - (vi) Samples of materials including surfacing materials;

- (vii) Details of soft landscaping;
- (viii) Protection measures for existing trees;
- (ix) Access and estate road to be fully constructed before first occupation;
- (x) Details of rising bollard and future maintenance arrangements;
- (xi) Parking spaces to be provided before first occupation and thereafter retained;
- (xii) Removal of Permitted Development rights for garages and any extensions;
- (xiii) Obscure glazing to second floor window in east elevation of unit 8;
- (xiv) Sheds to be provided before first occupation;
- (xv) Boundary fencing to be erected before first occupation;
- (xvi) At the first commencement of any building operations on the site (with the exception of demolition and site clearance, which shall be from Ark Lane only) the section of wall shown coloured orange on drawing no. 21886a/PL009 shall be constructed in accordance with the details shown on that drawing and completed within 3 weeks of commencement of works. With the exception of any pointing works, all building operations in connection with construction of the wall shall be from the application site and no construction vehicles shall gain access to the site from Outdowns;
- (xvii) Construction Management Plan to include: Restriction on hours of deliveries to site 0830-0930 and 1430-1530 Mondays to Fridays during Primary School term time; no construction other than from Ark Lane; details of construction compound; details of wheel washing equipment; details of vehicle routing arrangements; no construction workers to park in adjoining Outdowns development;
- (xviii) Details of photovoltaic panels on roofs;
- (ixx) No permanent bedroom accommodation on ground floor;
- (xx) Details of floor levels in accordance with Flood Risk Assessment;
- (xxi) Details of flood resilience measures in design of buildings;
- (xxii) Measures to prevent discharge of surface water onto

highway.

- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and matters within the proposed Unilateral Undertaking, in accordance with issues set out in the report and as resolved by the Planning Committee.

20 APPLICATION NO DOV/15/00147 - 22 LYNDHURST ROAD, RIVER

Members were shown a plan and photographs of the site. The Planning Officer (Enforcement) advised that the application was partly retrospective since the decking structure had already been built, but the screening was yet to be installed. The topography of the application site varied, with the front of the property being higher than the back. The purpose of the structure was to give the occupants of the property direct access to the garden which had only previously been accessible through the garage. There had been a significant amount of overlooking before the decking. Although there had been an increase in overlooking, Officers considered that this was not significant and could be mitigated by screening which would be 1.7 metres in height and obscure-glazed.

Councillor Gardner expressed concerns about overlooking and considered the decking intrusive. Councillor T A Bond agreed, adding that the decking would give a much better view into Ash Close and, with the obscure-glazed screening, would be very unsightly. In response to Councillor Bannister and the Chairman, the Planning Officer clarified that the screening would run the full depth of the verandah and half a metre across the back, and reach almost to the top of the kitchen window in height. The nearest house that could be viewed from the decking was 30 metres distant.

Councillor A F Richardson shared colleagues' concerns, stating that the view from the property's kitchen window would not have been as intrusive. The structure appeared excessive for the purposes of access to the garden, and the screening would make it an unsightly structure. He proposed that a site visit should be conducted. Councillor Bond supported a site visit, arguing that this would be fair to both the applicant and neighbouring residents.

RESOLVED: That, in order to assist Members in assessing the impact on neighbouring properties, a site visit will be held on Tuesday, 21 July 2015 and Councillors S F Bannister, T A Bond, B Gardner, M J Ovenden and A F Richardson (reserve: P M Wallace) be appointed to visit this site.

21 APPLICATION NO DOV/15/00197 - LAND FRONTING BEVAN CLOSE AND REAR OF 223 TELEGRAPH ROAD, DEAL

The Committee was shown plans and photographs of the application site. It was confirmed that the Officer recommendation was that planning permission should be refused. The Principal Planner (Development Management) summarised the proposal which was for a pair of semi-detached dwellings on a site where the principle of development was accepted. However, the key consideration for Members was whether the benefit of tidying up the application site outweighed the harm caused by overlooking to neighbouring properties. Officers had significant concerns regarding overlooking towards the rear gardens of 221 and 223a Telegraph Road, the latter being separated from the application site by only 10 metres.

The Chairman referred to various proposals made by the public speaker which, if implemented, would address some of the objections set out in the report. However, these would require amended plans, the submission of a fresh planning application and further public consultation. The Principal Planner clarified that there was no extant planning permission for a dwelling on the site.

Like the Chairman, Councillor Bond had no difficulties concerning the principle of development on the site. However, he had concerns about overlooking into the rear garden of 221 Telegraph Road. Councillor Richardson agreed, adding that, although there was a good deal of pressure to build homes, the Committee should not underestimate the impact of overlooking which could blight people's lives.

RESOLVED: That Application No DOV/15/00197 be REFUSED on the ground that the proposal, by virtue of its siting in close proximity to neighbouring properties on Telegraph Road, would result in an unacceptable level of overlooking to the rear gardens of Nos. 223 and 221 Telegraph Road by virtue of the land levels and proposed fenestration arrangements, contrary to the aims of the National Planning Policy Framework and the Kent Design Guide.

22 APPLICATION NO DOV/15/00099 - LAND ADJACENT TO MUNDELS, CHERRY LANE, GREAT MONGEHAM

Members viewed a plan and photographs of the application site. The Principal Planner (Development Management) reminded the Committee that it had already granted outline planning permission, with conditions, for the erection of a detached dwelling on the site. Approval was now sought for the reserved matters of access, appearance, layout and scale, but not landscaping as these details had yet to be submitted. The applicant proposed to build a dwelling of modern design using traditional materials, including a single ply rubber membrane roof which would give the appearance of being a rolled lead roof.

In response to Councillor Richardson, the Principal Planner confirmed that Officers had no concerns regarding overlooking into Mundels since the bedroom and bathroom windows would be obscure-glazed. Whilst obscure-glazing a bedroom window was not ideal it was, nevertheless, acceptable. Councillor Bond was of the view that the proposed dwelling was sufficiently distant from the street that it would not interfere with the street scene. In response to Councillor Bannister, the Principal Planner confirmed that the application site was within the urban confines.

Councillor Gardner raised concerns about the wording of condition (iii) in the report. However, he was reminded by the Chairman that the report's recommendations were merely a summary of the conditions that would be issued to the applicant. The report made clear which windows were required to be obscure-glazed, but Members could agree an amendment to condition (iii) if they wished.

RESOLVED: (a) That Application No DOV/15/00099 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Archaeology;

(iii) Windows (as detailed in the report) to be obscure-glazed and non-opening;

(iv) Samples of materials.

(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.

23 APPEALS AND INFORMAL HEARINGS

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

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

In response to Councillor Gardner, the Head of Regeneration and Development clarified that the Chairman had taken no action in respect of an application relating to a site owned by Ovendens. Conditions had been delegated to Officers to draft and, during drafting, it became necessary for the Planning Officer to consult the Chairman in order to clarify what the Committee had wished to achieve. Having received the Chairman's opinion, the Planning Officer had made the decision.

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

(Councillor M J Ovenden made a Voluntary Announcement of Other Interests in respect of the Ovenden application by reason of her family connection and left the Chamber during consideration of this item.)

The meeting ended at 7.18 pm.