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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 15 December 2016 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
J S Back
T J Bartlett
T A Bond
B Gardner
D P Murphy
G Rapley
P M Wallace (Minute Nos 95-101 only)

Officers: Principal Planner
Senior Planner
Senior Planner
Planning Consultant
Legal Officer
Democratic Support 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/16/00594	Mr Tony Doyle	Mr Andrew Gwinnett
DOV/16/01024	Mr Peter Bailey	Mr Robert Beasley
DOV/16/00442	Mr Ralph Noel	-----
DOV/16/00136	Mr Les West	Mr Pete Boast

90 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Cronk and A F Richardson.

91 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor G Rapley had been appointed as a substitute for Councillor A F Richardson.

92 DECLARATIONS OF INTEREST

Councillor T A Bond declared an Other Significant Interest in respect of Agenda Item 9 (Application No DOV/16/00136 - Land on South Side of Singledge Lane, Whitfield) by reason that he was employed by a company which owned the hotel situated adjacent to the application site.

93 MINUTES

The Minutes of the meeting held on 24 November 2016 were approved as a correct record and signed by the Chairman.

94 ITEMS DEFERRED

The Chairman advised that Application Nos DOV/16/00594 and DOV/16/00442 appeared elsewhere on the agenda. The remaining item (DOV/16/00576 – Roseacre, East Langdon Road, Martin) remained deferred.

95 APPLICATION NO DOV/16/00594 - 180 LONDON ROAD, DEAL

The Committee viewed drawings and photographs of the application site. The Senior Planner reminded Members that the application had been deferred at the previous meeting for a site visit, and proposed the erection of three dwellings in replacement of the existing detached bungalow.

The pair of two-storey semi-detached dwellings (Plots 1 and 2) would front London Road and the detached chalet-style dwelling (Plot 3) would be situated to the rear of the plot. The applicant had submitted amended plans which showed that roof-lights on the front elevation had been removed. Following comments made at the last meeting, the applicant had indicated that enhanced planting to the front boundary treatment would also be provided. The rear dwelling would be 17 metres distant from 143 and 147 Church Path. Accordingly, it was recommended that a condition be imposed removing permitted development rights relating to the roof form of this building. It was confirmed that a condition would also be imposed to ensure that the new access road remained for the sole use of Plot 3.

For the benefit of the site visit panel, the applicant had marked out the parking area for Plots 1 and 2. Further clarification having been sought on this matter, Kent County Council (KCC) Highways had confirmed that the turning area arrangements were satisfactory, and had raised no objections to the scheme as a whole. It was recommended that the application be approved.

Councillor D P Murphy reported the outcome of the site visit held on 13 December. The site visit panel had considered the potential impact of the proposal on the street scene, together with the parking arrangements for Plots 1 and 2 and the access arrangements for all three dwellings. By a majority of 4:1 Members had considered the proposal acceptable in terms of parking, access and its impact on the street scene.

Councillor B Gardner stated that he would have preferred to see the detached house situated at the front of the plot as this would be more sympathetic to the existing street scene. He would also have preferred one access point for all three dwellings. He was disappointed that KCC Highways had raised no objections to the notion of having two additional accesses on such a busy road. Councillor T A Bond was of the view that the proposed development would be out of keeping with the existing street scene, and that the turning arrangements would not allow cars to exit the site safely.

Councillor B W Butcher acknowledged that the access arrangements were not ideal, but these alone were not sufficient justification to refuse the application. The Chairman agreed that there were existing access problems, but he did not believe that the proposed development would exacerbate these. Having viewed the parking layout and looked at drawings during the site visit, he was satisfied that vehicles could turn around on the site.

In order to safeguard the street scene, Councillor Gardner proposed that permitted development rights should be removed to ensure that no roof-lights could be installed in the front elevation.

RESOLVED: (a) That Application No DOV/16/00594 be APPROVED subject to the following conditions:

- (i) Standard Time Limit;
- (ii) Approved plans;
- (iii) Material samples;
- (iv) Details of hard and soft landscaping including boundary treatment to be submitted;
- (v) Construction Management Plan;
- (vi) Bicycle storage provision;
- (vii) Bin store to be provided and retained;
- (viii) Car parking and manoeuvring areas to be provided and retained;
- (ix) Prevention of surface water discharge onto highway;
- (x) Bound surface to be provided for first 5 metres;
- (xi) Closure of existing access prior to use commencing;
- (xii) Access road solely for Plot 3;
- (xiii) Remove permitted development rights to Plot 3 for all extensions, roof alterations, windows and remove permitted development rights for first-floor side windows in Plots 1 and 2;
- (xiv) Remove permitted development rights for roof-flights in front elevations of Plots 1 and 2.

(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.

96 APPLICATION NO DOV/16/01024 - DIAL HOUSE, 23 ST MARGARET'S ROAD, ST MARGARET'S BAY

Members were shown plans, drawings and photographs of the application site. The Senior Planner advised that the application sought permission for the erection of two detached dwellings and the demolition of the existing dwelling on a site situated in the St Margaret's Bay Conservation Area where there was no prevailing style of architecture. The topography of the site was

such that the land stepped down in a series of terraces before falling sharply away to the road. A hedgerow along the front of the site was an important feature, as were a number of trees on the site which added to its character. In order to widen the access point, three and a half metres of the hedgerow would be removed. The occupants of Brown Cottage had raised concerns about overlooking. However, given the topography of the site and distance between the dwellings, views towards Brown Cottage would be well above the ridge of its roof.

There would be a substantial distance between the proposed dwellings which would be contemporary in appearance. A number of applications had been submitted for the lopping and felling of trees, to which no objections had been raised. The proposed driveway would be built using suspended beams in order not to encroach into the tree root protection area. In response to the Chairman, the Senior Planner confirmed that, whilst the dwellings would be seen from wider public views, including the coastal path, this would be in the context of existing development and was not considered to be unduly harmful.

Both Councillors Butcher and Gardner expressed their dislike for the design of the proposed dwellings which they considered too large and out of keeping with the Conservation Area. Although Councillor Bond sympathised with these views, he was not convinced there were sufficient reasons to refuse the application. Whilst difficult to define, he feared that these dwellings would detract from the feel and character of the Conservation Area. In response to the Chairman, the Senior Planner advised that non-reflective glazing could be conditioned, as could materials to minimise its longer range impact.

The Senior Planner advised that the National Planning Policy Framework (NPPF) encouraged high quality design, and the reinforcement of local character. Planning authorities should not be looking for pastiches of existing designs, nor to stifle architectural innovation. The proposals were of a high quality design and a good deal of thought had gone into the spatial layout of the site, and how the dwellings would appear in the surrounding topography.

The Chairman reminded the Committee that there was no local distinctiveness to St Margaret's Bay in terms of design. Councillor J S Back pointed out that the Council's Heritage Officer was satisfied with the proposal and its impact on the Conservation Area. In his view, the Committee would struggle to refuse the application on design grounds.

RESOLVED: (a) That Application No DOV/16/01024 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) Approved plan;
- (iii) Material samples (including external finish and colour);

- (iv) Tree and hedge survey;
- (v) Tree and hedge protection measures;
- (vi) Retained trees/shrubs;
- (vii) Retained hedges/hedgerows;
- (viii) Hard and soft landscaping plan;
- (ix) Site sections;
- (x) Earthwork details;
- (xi) Provision of access;
- (xii) Provision of parking/garaging;
- (xiii) Access gradient;
- (xiv) Bound surface to be provided for first 5 metres;
- (xv) Bins and cycle storage;
- (xvi) Surface water drainage;
- (xvii) Rainwater goods: iron/aluminium, matt finish; internal gutters and rainwater goods;
- (xviii) Permitted development restrictions – in respect of extensions, roof extensions and side windows;
- (xix) Smaller dwelling – retention in perpetuity of imperforate privacy screen, and prohibiting use of any part of the roof structure as a terrace;
- (xx) Construction Management Plan (referring, not only, to: hours of working, contractors' parking, storage of materials and plant, etc);
- (xxi) Non-reflective glazing and glazing 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.

97 APPLICATION NO DOV/16/00442 - THE THREE TUNS, THE STREET, STAPLE

The Committee was shown plans, drawings and photographs of the application site. The Planning Consultant reminded Members that the application had been deferred at the meeting held on 22 September 2016 due to amended plans having been submitted which required re-advertisement and public consultation. The application sought full planning permission for the erection of eight dwellings and the conversion of a public house which was a Grade II-listed building.

The Council's Core Strategy identified Staple as a village in the settlement hierarchy which was suitable for some development in order to maintain existing facilities. The Land Allocations Local Plan made some provision for a change to the village's settlement confines in order to deliver a limited number of dwellings at land to the west of Orchard Lea.

The rear part of the application site lay outside the settlement boundary, with the public house, its gardens and a rear outbuilding defined as being within the village confines. Seven houses in total would lie outside the village confines. The report to the earlier meeting had recommended refusal due to

the impact of the development on the listed building. However, amended plans had been received. The two units originally proposed at the front of the site had been reduced to one, thus creating an area of open space around the listed building. The design of this dwelling responded well to the adjacent listed building. Whilst the dwellings to the rear of the public house would have an impact on the setting of the listed building, the Council's Heritage Officer did not consider this to be sufficiently substantial to raise objections. Nevertheless, conditions could be attached to ensure a high quality finish.

A report had been submitted with the application demonstrating that the building's use as a public house was no longer viable. An independent assessment of the marketing of the pub had been undertaken, and Officers accepted the principle of converting the pub to a dwelling.

In order to provide a pedestrian link between the site and the village, the applicant had agreed to provide a footpath within the site. It was considered that there was sufficient parking for occupants and visitors. In addition, Officers had no concerns regarding residential amenity. The proposal undoubtedly stretched the site to its maximum potential, and there would be some impact on the listed building. However, Officers considered that there were not sufficient grounds for refusal and, on balance, recommended that the application should be approved.

Councillor Butcher expressed concerns about the rear of the site being outside the village confines. In his view the development would have a dominant visual impact when seen by road from Wingham. He was in favour of development on the site, but wanted to see the number of dwellings situated outside the confines reduced. Councillor T J Bartlett supported the principle of development on the site since he accepted that the use of the pub was no longer viable. However, whilst he appreciated the amendments made by the applicant, he was also of the view that there would be too many dwellings on the site, particularly when planning permission had already been granted for four properties opposite. He was also concerned that the proposed three-storey dwelling would be out of keeping with the rest of the village.

Councillor Gardner agreed that there were too many dwellings outside the confines, suggesting that these should be reduced to four or five. He was also concerned about the impact on the listed building. The Planning Consultant was of the opinion that a scheme could be achieved which would address the impact on the listed building and open countryside. If refused, and a subsequent appeal was successful, there was a risk that the Council would be left with an unacceptable scheme which would not be the case if the application were deferred for further negotiations to take place with the applicant. In response to Councillor Gardner, the Legal Officer clarified that, following a November 2014 Ministerial Statement, the Court of Appeal had confirmed in May 2016 that contributions towards affordable housing should not be sought for developments of ten units or fewer.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/00442 be DEFERRED on the following grounds:

- (i) To allow a further report to be presented that sets out the justification for not adhering to the Local Plan and an explanation for the number of houses proposed;
- (ii) To enable further negotiations to take place between the applicant and Officers in order to achieve more openness within and around the development in order to reduce the impact on the setting of the listed building and to retain the open character of the area/street scene.

98 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.32pm for a short break and reconvened at 7.35pm.

99 APPLICATION NO DOV/16/00136 - LAND ON SOUTH SIDE, SINGLEEDGE LANE, WHITFIELD

Members viewed plans and photographs of the application site. The Planning Consultant advised that the site had been included within Core Strategy Policy DP11 and as a village extension in the Whitfield Masterplan Supplementary Planning Document (SPD). Although there was a phased programme for the Whitfield expansion, it was proposed to bring forward this development independently due to its status as a village extension and subject to a number of criteria being met. Part of the application site fell within land earmarked in Policy TR4 for the widening of the A2. However, the Committee was advised to attach no weight to this in determining the application.

Significant concerns had been raised regarding the impact on the highway network and Singledge Lane. Further amendments had been submitted by the applicant. Referring to a letter from KCC Highways recently circulated to Members, the Committee was advised that KCC Highways no longer had objections to the development, subject to appropriate conditions being attached. It was therefore recommended that, if minded to refuse the application, the Committee should remove the ground relating to highways.

With regards to drainage, both Southern Water and KCC, as the lead flood authority, had raised objections to the application. Without additional infrastructure, there was potential for an overflow of surface water from the development which would affect the foul sewerage system and lead to flooding. Furthermore, insufficient information had been submitted to demonstrate that surface water could be adequately attenuated. The development also fell short in terms of ecological mitigation which could not be overcome due to the need to safeguard land earmarked for dualling works to the A2.

Whilst Officers recognised the importance of delivering housing in the absence of a 5-year housing land supply, the application in its current guise did not comply with the Local Plan or the SPD, the latter being highly detailed and offering a strong evidence base. In summary, the lack of a housing supply did not outweigh the need for strong, robust decisions and refusal of the application was therefore recommended.

Councillor Back referred to Southern Water's confirmation that surface water from the development could not be accommodated without additional local infrastructure. In respect of foul water, he understood that sewage would go to the Forge Lane pumping station which was already running over capacity. Based on previous experience, he reiterated his lack of confidence in Southern Water's assurances that the system could cope with foul water generated by the development.

Councillor Back also expressed concern regarding the Singledge Lane junction with the A2, stating that Singledge Lane was very narrow with no footpath. The A2 was already under pressure from port traffic, and the proposed development was likely to lead to traffic queues on the outside lane of the A2 caused by traffic leaving the Whitfield roundabout for Singledge Lane. He also considered that the development did not respect the character of Singledge Lane. Given that no development should take place within land safeguarded for the widening of the A2, and that the ecological mitigation measures proposed were therefore considered unsatisfactory, the application should be refused. Whilst he was not opposed to development in Whitfield, this proposal was in the wrong place.

In response to Councillor Gardner who queried why no larger houses were being offered as part of the affordable housing provision, the Planning Consultant advised that the Council's Housing Officer was content with the proposals. The Council's target of 30% did not require a mix of all housing types to be provided but simply a suitable mix of housing types. Demand for affordable housing tended to be for smaller houses.

The Committee was advised that, following negotiations between the applicant and KCC Highways, there were no objections to the development on highways grounds and, given that KCC Highways was the statutory technical consultee, it would be difficult to refuse on these grounds. In terms of foul water disposal, Southern Water had indicated that it was satisfied that foul water could be dealt with and had raised no objections in this respect. Details of which pumping station would be used had been included in the drainage strategy which was available on the Council's website.

RESOLVED: (a) That Application No DOV/16/00136 be REFUSED on the grounds that:

- (i) Due to the proximity of the site to the Lydden and Temple Ewell Downs Special Area of Conservation, the suitable Suitable Alternative

Natural Greenspace (SANG) mitigation is required to be provided on site to address the impact upon this designation. The mitigation proposed within this development includes land that is safeguarded for future road widening by virtue of Policy TR4 of the Dover Local Plan and, as such, cannot be guaranteed to be secured in perpetuity. If this development were permitted, it could preclude future road widening which would be contrary to the Whitfield Urban Extension Supplementary Planning Document and Policy TR4 of the Dover Local Plan.

- (ii) The applicant has failed to provide sufficient information with regards to surface water drainage and, as such, a full assessment of the impact of the development cannot be made. Without this assessment, it cannot be ascertained as to whether the proposal would adequately address surface water drainage, which may also result in harm to the foul water drainage provision. This would therefore prove contrary to the Whitfield Urban Extension Supplementary Planning Document and Policy CP6 of the Dover District Core Strategy.

- (b) That powers be delegated to the Head of Regeneration and Development to add an additional ground for refusal should off-site arrangements for the disposal of foul sewage be found to be unacceptable.

100 APPEALS AND INFORMAL HEARINGS

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

101 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 8.10 pm.