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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 25 January 2018 at 6.01 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher  
P M Beresford  
T A Bond  
B Gardner  
P J Hawkins  
D P Murphy  
M J Ovenden  
P M Wallace

Officers: Team Leader (Development Management)  
Principal Planner  
Principal Planner  
Senior Planner  
Planning Consultant  
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/17/01333	Mr Steve Gravenor	Mr Ian Robinson
DOV/17/01208	-----	Councillor M J Holloway
		Mrs Brenda Baker
DOV/17/01369	-----	Mrs Donna Foster
DOV/16/01476	Mr David Huggett	Mr Nick Tomaszewski
DOV/17/01098	-----	Mrs Miriam Wood
DOV/17/01360	Mr Tomasz Zarzycki	Ms Sharon Clarke
DOV/17/01286	Ms Susan Price	Mrs Claudine Nutley

## 136 APOLOGIES

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

## 137 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor P J Hawkins had been appointed as a substitute member for Councillor D G Cronk.

## 138 DECLARATIONS OF INTEREST

Councillor B Gardner made a Voluntary Announcement of Other Interests in Agenda Item 9 (Application No DOV/16/01476 – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden) by reason that he was a Dover District Council

trustee of the Mary Hougham Almshouses charity which was looking to buy affordable houses, potentially at this site.

Councillor D P Murphy declared an Other Significant Interest in Agenda Item 9 (Application No DOV/16/01476 – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden) by reason that he was the vice-chairman of governors at Deal Parochial School which was set to benefit from Section 106 monies associated with the development.

Councillor M J Ovenden advised that she had submitted comments on Agenda Item 12 (Application No DOV/17/01286 – Deerleap, 50 Mill Lane, Shepherdswell). She intended to speak on the item but would absent herself from the Chamber after doing so on the grounds of predetermination. The Chairman advised Councillor Ovenden that he would allow her to speak as the ward Member, but reminded her that she should have registered to speak as a member of the public.

139 MINUTES

The Minutes of the meeting held on 14 December 2017 were approved as a correct record and signed by the Chairman.

140 ITEMS DEFERRED

The Chairman advised that both items listed were dealt with elsewhere on the agenda.

141 APPLICATION NO DOV/17/01333 - 17 BALMORAL ROAD, KINGSDOWN

The Committee was shown a plan, drawings and photographs of the application site. The Planning Consultant advised that the application sought to vary a planning permission granted in 2014 to, amongst other things, erect a single storey rear extension and a rear dormer extension. The permission had been implemented but, rather than installing a pair of windows in the rear elevation of the rear dormer, one window and a set of doors had been installed, providing access from a bedroom onto the flat roof of the extension. Since the report was written, one additional letter of objection raising the loss of privacy, and one additional letter of support, had been received.

As well as varying the original permission, approval was sought for the erection of obscure-glazed 1.8-metre high screens running perpendicular to the rear elevation of the dormer extension, and 1.8-metre and 1.1-metre high screens running parallel to it. The proposal would, in effect, form an enclosed area outside the patio doors. Whilst the area could assist in leaving the upper floor of the dwelling in an emergency - as stated by the applicant - it could also be used for the purposes of sitting out, albeit within a confined space.

There were two principal matters for consideration which had been raised by objectors. Officers considered that there would be limited opportunity to see the glazed screens from public vantage points but, when visible, they would not appear prominent or incongruous within the street scene. The proposal therefore addressed the previous reason for refusal which opposed the erection of close-boarded timber panels on the roof.

The other key issues were overlooking and loss of privacy. However, it was considered that the screens would effectively prevent clear views towards the rear

elevations and conservatories of the properties on either side, although there would be views further down of these properties' gardens. On balance, it was considered that the proposal would not give rise to undue harm to privacy or give rise to an unacceptable perception of overlooking, and approval was therefore recommended.

Councillor B Gardner questioned where the ladder was to provide emergency egress if the intended use was genuinely for this purpose. The Planning Consultant advised that he was not aware of a ladder but, in any case, this was a matter for Building Control. He clarified that the refusal of a previous application had been based on the use of timber materials for the screens and not on grounds of overlooking and loss of privacy. The Chairman reminded Members that it was not for them to consider the reason for the proposal but rather whether it would cause harm in terms of overlooking, loss of privacy and character of the area.

Councillor Gardner stated that he could not support the proposal as it appeared to be creating a roof terrace. Councillor P M Wallace agreed, expressing concerns about future use, poor design and the effect on neighbouring properties. The Planning Consultant stressed that the original planning permission had placed no restrictions on the use of the roof which the applicant could use as a roof terrace if he wished. The application under consideration provided an opportunity for the Local Planning Authority (LPA) to control the use of the roof. The Chairman added that the application was a retrospective one for the set of doors and, if refused, enforcement action could be taken for their replacement.

Councillor M J Ovenden pointed out that there was a balcony further along the street. It was likely that there would be limited use of the enclosed area given that it was attached to a bedroom rather than a living area. The Chairman agreed that the depth of the enclosure would restrict the opportunity for social gatherings. Councillor T A Bond argued that the previous permission had been granted on the understanding that there would be a window and no use of the roof. Sound reasons would be required if the Committee was to grant permission now.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/01333 be REFUSED on the grounds that the proposed development would, by reason of its design, use of materials and appearance, be poorly designed, poorly related to the host property and would appear incongruous in the context of the surrounding residential development. As such, the poor design fails to achieve a sustainable form of development and is contrary to paragraphs 56-59, 61 and 64 of the National Planning Policy Framework.

142 APPLICATION NO DOV/17/01208 - HOLLYOAK, MARSHBOROUGH, WOODNESBOROUGH

Members viewed plans and photographs of the application site. The Planning Consultant advised that the application sought permission for a change of use of the land to a mixed use, as set out in the report. The application was partly retrospective as there was a caravan/mobile home currently on the land (although not apparently in residential use), a septic tank and a driveway and some areas of hardstanding had been constructed.

The planning history of the site was a material consideration in the determination of the application and was set out at section d) of the report. In 2012 the Planning Inspector had allowed an appeal for one residential caravan on the site, subject to certain conditions. Some of these conditions had had a time limit on them that

required certain details to be submitted and approved in writing by the LPA, and for the approved details to be carried out within a certain timeframe. Whilst the details required by condition had been submitted to, and approved by, the LPA, some works relating to visibility sightlines/access arrangements had not been carried out in full. In effect, as a result of non-compliance with the Planning Inspector's decision and conditions, the allowed use had ceased and no planning permission therefore existed for the residential use of the land. The current application sought to 'reinstate' this permission, proposing to site one residential caravan and a touring caravan on the site, together with associated works and the keeping of horses.

The report set out some of the Planning Inspector's justification, in the circumstances pertaining at the time, for allowing such a development in the countryside, outside of any recognised rural settlement confines. Officers were of the view that the justification and circumstances surrounding the proposal, and the applicant's status as a gypsy, remained relevant.

Policy DM7 of the Council's Core Strategy committed the Council to allocating site(s) to meet the accommodation needs of gypsies, travellers and travelling showpeople. The Council did not currently have a site allocations document for the reasons set out in paragraph 2.30 of the report, but one would be produced as part of the review of the Local Plan. The Planning Inspector had considered Policies DM7, DM1 and DM15 when finding in favour of the appeal. In essence, whilst the Council could demonstrate a 5-year supply of housing sites, it could not demonstrate a 5-year supply of gypsy pitches, thus triggering paragraph 14 of the NPPF which required a 'tilted balance' approach to be taken in favour of granting planning permission for sustainable development.

The Planning Consultant advised that more recent policy guidance in the form of the 2015 Planning Policy for Traveller Sites did not provide sufficient grounds to move away from the reasons for the Planning Inspector's decision. Furthermore, the 'tilted balance' approach set out in paragraph 14 of the NPPF applied. It was not considered that the proposal conflicted with the policies set out in the NPPF or that there would be adverse impacts arising from the proposal that would significantly and demonstrably outweigh the benefits of granting planning permission or restricting development when assessed against the policies in the NPPF.

As updates/corrections to the report, the Committee was advised that an e-mail had been received clarifying the personal circumstances of the applicant. He was staying temporarily on a site at Ash. However, the site had now passed into the ownership of his brother-in-law and a move was therefore necessary. The applicant required a settled base from where he could travel in the summer months. His family was registered with a GP practice in Ash and, whilst his son was home-schooled, his daughter attended school in Sandwich. The applicant's wife was also the primary carer for her mother who lived with the family.

Two additional letters had been received from local residents which argued against comments made in the report. The proposed conditions were headline only and Officers would seek to impose time limits on some of these, including condition ix) which related to the provision of visibility splays. Finally, it was clarified that permission for the keeping of horses on the site was extant.

Councillor B W Butcher raised serious concerns about highway safety given that the access to the site was situated on a long, sharp bend. Turning right out of the site would involve edging out into the road and into oncoming traffic. Accidents on the road were common in winter and the proposal would increase the risk of these. The

site was unsustainable, with no footway and a bus service at peak times only. With two caravans, associated works and external lighting, the site would be an eyesore and have a detrimental impact on the character and appearance of the area. He also raised concerns about overlooking and the potential for commercial vehicles to be kept at the site.

It was proposed by Councillor B W Butcher and duly seconded that the application should be REFUSED on the grounds that it would be detrimental to highway safety, cause harm to the unmistakable and distinctive character of the area and by virtue of its overall visual impact and would cause overlooking.

Councillor Gardner commented that an application for a house on the site would normally be refused on the grounds that it was contrary to Policy DM1 and the fact that no development in hamlets was permitted. On the basis of information given by residents, it appeared that the applicant was fully settled in the village. This application was in the wrong place and should be refused. That said, he was disappointed that the Council did not have a gypsy and traveller policy which he had been advised would be ready by 2016.

Councillor Bond commented that although the family had been classified as gypsies, it seemed to him that they were permanently settled in the area. Councillor Wallace raised concerns about a development in the countryside which would not normally be contemplated were it not for the applicant's gypsy status. In his view, highway safety, sustainability and the impact on the character and appearance of the area were valid reasons to refuse the application. Moreover, the applicant had failed to meet the conditions attached to the previous planning permission. However, he sought clarification on whether these reasons outweighed the lack of a gypsy and traveller policy.

The Chairman advised that Policy DM7 carried less weight due to the Council not having prepared a site allocations document for gypsies, travellers and showpeople. He also referred to paragraph 2.10 of the report which indicated that the Inspector had considered the proposal against DM7, and concluded that any harm arising from the development should be balanced against the lack of any other sites.

Councillor Ovenden expressed serious concerns at how the proposal would affect the immediate neighbourhood which was a tiny hamlet of unmistakable character that had not seen any new development for a number of years.

The Planning Consultant reminded Members that the Planning Inspector had considered all of the issues raised, including DM1, sustainability, character, etc. He clarified that the applicant had submitted written details in compliance with conditions but had failed to implement all of the works associated with one of the conditions in time. Conditions could be imposed again and measures taken to ensure they were complied with. In response to concerns raised about the size of the caravan, Members were advised that the Planning Inspector had referred to the Caravans Act which set out the size of caravan permitted, beyond which it would be deemed a mobile home or similar.

The Chairman reminded Members that evidence of highway safety issues, impact on character, etc would be needed if the application were to be refused on these grounds. He stressed that the Planning Inspector's appeal decision was a material consideration and carried significant weight. The Committee needed to give careful thought as to whether the grounds of refusal were reasonable and therefore defensible at appeal. The Planning Solicitor reiterated that the LPA was bound to

take into account, and give considerable weight to, the previous appeal decision which was a material consideration. The Committee was required to consider whether this application was the same as, or distinguishable from, the previous application. There was a risk of costs being awarded against the LPA if it was thought to have acted unreasonably.

Councillor Butcher stated that the Committee had carefully considered the Planning Inspector's appeal decision. However, Members had to balance what the Inspector had found against their local knowledge and the Council's policies.

The Planning Consultant advised against including overlooking as a ground for refusal given that it had not been raised before and the Planning Inspector had implied that the development would have no impact on residential amenity. Councillor Butcher confirmed that he wished to include it.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/17/01208 be REFUSED on the following grounds:

- (i) The proposed use of the land would give rise to additional vehicle movements using a means of access onto a narrow rural lane which has poor visibility sightlines. As such, the proposal, if permitted, would prejudice highway safety contrary to Paragraph 32 of the National Planning Policy Framework.
- (ii) The proposed use of the land and the associated operational development would comprise an intrusive and urbanising form of development within the open countryside that would harm the character and appearance of the area and the visual amenities of the street scene, contrary to the principles of good design, the need for the development to contribute positively to making places better for people, the need for design to respond to local character and the need for the development to integrate with the built and natural environment as set out in Paragraphs 56, 57, 61 and 64 of the National Planning Policy Framework.
- (iii) The proposed use of the land for residential purposes would give rise to increased overlooking of the surrounding residential properties, in particular from a higher vantage point, which would give rise to the loss of privacy for the occupiers of these properties, causing harm to their living conditions and the reasonable enjoyment of their homes, contrary to Paragraph 17 of the National Planning Policy Framework.

(b) That powers be delegated to the Head of Regeneration and Development to settle any wording for refusal in line with the issues raised by the Planning Committee.

143 APPLICATION NO DOV/17/01369 - LAND ADJACENT TO 22 BELVEDERE GARDENS, DEAL

The Committee was shown plans, drawings and photographs of the application site which had formerly been known as Dola Avenue. As a correction to the report, the

Principal Planner advised that the whole of paragraph 2.15 and the last sentence of paragraph 2.21 had been included in error. As an update, Members were advised that the Local Development Plan was considered out of date. Paragraph 14 of the NPPF was therefore engaged and Members would need to take a 'tilted balance' approach to the application. Further information, including a Construction Management Plan and drainage details, had now been received.

The application site was within the settlement confines and therefore considered acceptable. Two previous applications for the site had been refused and one dismissed at appeal. The current application proposed a dwelling in a similar location and with a similar footprint to the refused schemes. However, the scale of the building had been significantly reduced to a single storey height with a shallow pitched roof and an amended design. The change in scale meant that there was now no unacceptable harm caused to the amenity of no. 44, and it was considered that the reasons for the previous refusal had been overcome. Whilst the design did not add to the character of the area, there was insufficient harm to warrant refusal.

Councillor P J Hawkins raised concerns about the proposal which was an over-development and would be detrimental to the area. In her view, the site should be left as open space. Councillor Bond concurred, arguing that there had been a good reason for limiting the original planning permission to nine houses. Parking and the tunnelling effect (although reduced) were still relevant and he could see no reason to go against the previous refusal.

The Principal Planner advised that planning permission for the original nine houses had not removed permitted development rights which meant that the end property could erect an outbuilding not dissimilar in height from the application under consideration. In response to the grounds for refusal suggested by Councillor Bond, he explained that the previous refusal and Planning Inspector's appeal decision were material considerations. It was therefore not reasonable to include additional grounds in this instance. He suggested that the reasons for the refusal of the previous application were still relevant, as set out at page 47 of the report.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/01369 be REFUSED on the following grounds:

- (i) The proposed development, by virtue of the location, layout and design of the dwelling, together with its 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 17, 58, 59, 60, 61 and 64 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 paragraphs 17, 58, 59 and 61 of the National Planning Policy Framework.

144 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.11pm for a short break and reconvened at 8.19pm.

APPLICATION NO DOV/16/01476 - LAND TO THE REAR OF HYTON DRIVE AND ROMAN CLOSE, CHURCH LANE, SHOLDEN

Members viewed maps, plans and photographs of the application site which was part of a wider Local Plan housing allocation made under Policy LA13 of the Land Allocations Local Plan (LALP). Whilst the LALP had indicated a capacity of 230 dwellings for the whole allocation, this was not necessarily an upper limit. Development on the other part of the allocated site – known as Timperley Place - was nearing completion. This application sought planning permission for the erection of 70 dwellings.

The Senior Planner reminded the Committee that the application had been deferred at the meeting held on 2 November in order to receive further information on flood risk, the traffic flow survey and the findings of the North Deal Study (if available). In respect of flood risk, all the consultees had responded stating that they had no objections to the additional drainage information submitted. A sustainable drainage system and balancing pond would deal with surface water from the western part of the site. The balancing pond would drain into Southwall Road dyke, and an application had been made by the applicant to the River Stour Internal Drainage Board (RSIDB) to connect to the dyke. Surface water in the eastern part of the site would drain into Southern Water's sewer. Engineering techniques would restrict the flow of water into the local area and this would be a benefit of the development.

The site was in Flood Zone 3a which had passed the sequential test as a result of substantial sea defence works being undertaken. The Environment Agency had requested a condition which required ground floor levels to be raised above ordnance datum. Information submitted by the applicant indicated that they would have to raise some of the land levels. As a result, the applicant had asked to relocate some of the houses due to their height. However, there would be the same number and layout of houses. Furthermore, there were no issues of overlooking due to the resulting arrangement of dwellings and how they related to existing dwellings.

In terms of highways, Members viewed a slide which showed the increase in traffic that would be caused by the development at various junctions near the site. The junctions of Hyton Drive with Church Lane, and Church Lane with Orchard Avenue, were the only junctions showing a material increase in traffic movements (5% and above) – these junctions had been individually assessed and shown to have enough capacity to accommodate such a change. Where traffic movements from the site reached London Road (A258), the increase in traffic at the relevant junctions was 1% or lower. Accordingly, Kent County Council (KCC) Highways was content with the modelling used, and had indicated that local roads would be able to accept the additional movements generated by the development.

The developer had agreed to pay all the financial contributions sought. Following concerns raised about affordable housing, the developer had now dispersed these dwellings throughout the site. Turning to other matters, it was confirmed that Cornfield Row would be widened to 4.8 metres. Two further objections had been submitted since the report was written referring to drainage and bats being present in the farm buildings within the old Court Lodge farmyard. Following the Ash appeal, it was acknowledged that the strategic policies within the Council's Core Strategy were out of date. Paragraph 14 of the NPPF – which set out a presumption in favour of sustainable development - therefore applied. Members would need to consider whether the adverse impacts outweighed the benefits of the

proposal. Officers were of the view that any harm would not demonstrably outweigh the benefits. In response to queries, it was confirmed that the balancing pond would be constructed to a level that would contain water flowing into it. If it did overflow, it was assumed that the water would go with the contours of the land in the direction of the sea.

Councillor Hawkins expressed grave reservations about the proposed development. Whilst the affordable housing was to be welcomed, it would make little impact on overall numbers. The scheme was in the wrong place, in an area which lacked infrastructure such as schools, dental surgeries and roads, the latter already being badly congested. The area struggled to cope with existing development and could not absorb new schemes. Councillor Gardner agreed, expressing concerns that 230 houses had already been crammed onto the site and a further 70 were now proposed. The existing sewer system could not cope and it was therefore illogical to suggest that there would be less run-off going into sewers when there would be more tarmac, roofs and concrete. Residents had also reported that the balancing pond overflowed during periods of heavy rain. Whilst he welcomed the changes made to the affordable housing provision, he was disappointed that the larger houses would be reserved for market buyers.

Councillor Ovenden advised that she was the Council's representative on the RSIDB and confirmed that an application had been made by the developer to connect the balancing pond to Southwall Dyke. Councillor Bond raised concerns that percentages rather than actual numbers had been provided in relation to the traffic count. Whilst an application had apparently been made, there was no confirmation that the pond would be connected to the dyke. Moreover, there was a query over the relative standards used (referring to other development sites within the area) when assessing flood risk.

The Chairman commented that it was unfortunate that KCC Highways was not in attendance, as requested, as its officer would have been able to clarify the numbers involved in the traffic count. He shared the concerns raised about traffic figures. However, experts had commented on the flood risk and these were summarised in the report. He queried whether deferring the application for the results of the North Deal Study would be worthwhile.

The Team Leader (Development Management) appreciated the appeal of waiting for the results of the study. However, he reminded the Committee that it must have regard to what was considered reasonable and, in his opinion, deferring the application for a study which was not yet at a stage of preparation where it could be considered to be a material consideration, and therefore would be likely to carry limited weight, could be deemed unreasonable. He emphasised that the application needed to be determined against Development Plan policies and material considerations. He also reminded Members that the site had been designated for development under the LALP. On the latter, the Chairman argued that the site had been allocated for 230 dwellings and this proposal would increase that by 70. He therefore understood Members' concerns about the additional impact on the highway network. In response, the Team Leader (Development Management) clarified that the applicant's transport assessment took account of the increased number of dwellings and their impact on the local road network.

The Senior Planner advised that the developer's highways impact assessment had taken account of all planned development schemes in Deal, as well as other background growth to 2020. The assessment had also been approved by KCC. It was estimated that the development would generate 37 additional vehicle

movements during the morning peak and 32 movements during the afternoon peak. These movements would be distributed across several junctions. The drainage scheme was designed to deal with a 1 in 100-year rainfall event. He pointed out that the flood risk would be reduced by the fact that surface water would be directed to the dyke, thus freeing up capacity in the sewerage system. Furthermore, by using engineering techniques to restrict and reduce the flow of water, the flooding situation in Albert Road, Matthews Close and Church Lane would be improved. These measures would ensure that the current situation would not be exacerbated, although he accepted that exceptional rainfall was now a more regular occurrence.

In response to requests by some Members, the Chairman advised that it was not reasonable to defer the application based upon waiting for the actions, or otherwise, of another public body. The correct way of ensuring a connection to Southwall Dyke was to impose a condition which would prohibit any commencement of the development until the connection had been approved by the RSIDB and implemented by the developer. Not taking the opportunity to impose such a condition now could be deemed unreasonable.

The meeting was adjourned at 9.42pm for a short break and reconvened at 9.52pm.

The Team Leader (Development Management) advised that data from the North Deal Study was very raw at this stage and lacked information on where the traffic had originated from and was going to. The data had not been validated by KCC Highways and this would take months rather than weeks. The developer had indicated that the raw traffic data (the modelled individual traffic movements) from their traffic assessment could be supplied.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/01476 be DEFERRED pending further information, namely the raw data from the applicant's transport assessment. (In addition, should written confirmation of the connection of the balancing pond to Southwall Dyke be available, the Committee would also appreciate site of this.)

146 EXTENSION OF MEETING

The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, the Committee was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That the Committee proceed with the business remaining on the agenda.

147 APPLICATION NO DOV/17/01098 - 50 AND 51 BIGGIN STREET, DOVER

Members viewed plans and photographs of the application site. The Principal Planner reminded the Committee that the application had been deferred at the last meeting in order for negotiations with the applicant with a view to reconfiguring the accommodation so that it conformed with the Council's Conversion of Flats Guidelines. Following negotiations, the applicant had reduced the number of flats from nine to seven, comprising one studio, four one-bedroomed flats and two two-bedroomed flats. Since the December meeting, the status of the Council's Flat Conversion Guidelines had been reviewed by the Planning Solicitor. He had advised that, since the Guidelines had never been formally adopted by the Council,

they were not a material consideration and no weight could therefore be attributed to them.

The Principal Planner advised that, whilst this was the case, the Guidelines provided a good reference point. Only two of the flats now fell below the standards set out in the Guidelines, these being flat 4 which was 0.25 square metres and flat 6 which was 1.25 square metres below. In the absence of adopted standards, the Council's Strategic Housing, Private Sector Housing and Building Control teams had been consulted, the Private Sector Housing Manager advising that the plans complied with the minimum standards required by the Local Authorities Coordinators of Regulatory Services (LACORS) guidance and therefore met the requirements of the Housing Act 2014. He had carried out a risk assessment of the development and positively supported the scheme. Given that some of the policies in the Local Development Plan were now considered out of date, the Committee was reminded that it should take a 'tilted balance' approach when considering the proposal against paragraph 14 of the NPPF which presumed in favour of sustainable development. The proposal would bring benefits in that it would lead to the re-use and repair of a longstanding, vacant building in the Conservation Area and provide a number of small units of residential accommodation in the town centre.

Councillors P M Beresford and Bond supported the proposal which would facilitate the development of retail and residential accommodation in the high street, in an area that was close to the new St James's retail development. Councillor Bond added that the Committee was required by the NPPF to consider the proposal in a positive manner. Given that design was a subjective matter and that there had been a reduction in the number of flats, he did not consider that there were strong enough reasons to refuse the application. Councillor Gardner disagreed, disliking the fact that two of the flats were still below standards. This was likely to be the first of similar proposals to come forward and in his view it should set the standards for others. Councillor Wallace argued that the proposal failed to meet the objectives of paragraph 17 of the NPPF which sought high quality design and a good standard of amenity for future occupants.

The Principal Planner advised that subdividing the building had not been easy. The applicant had had to work with the fabric of the building, and removing or changing structural walls would require major engineering work and affect the historical integrity of the building.

The Committee was reminded that the Council's Heritage Officer had identified that there would be less than substantial harm to the building. However, she had concluded that this would be outweighed by the public benefits of the proposal. In respect of fire risk, Building Control had advised that sprinklers were not necessary and that the building could be made compliant by installing double layers of doors. Amendments had already been made to the second and third floors to overcome fire risk issues. Finally, Members were referred to paragraphs 2.5 to 2.8 of the report which set out the history of the building since the applicant had taken ownership.

RESOLVED: (a) That Application No DOV/17/01098 be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) In accordance with approved plans;

- (iii) Samples of materials to be submitted;
- (iv) Full constructional details of the proposed shopfront;
- (v) The new shopfront at no. 51 shall be fully installed prior to first occupation of any flat;
- (vi) The new windows in the rear elevation of the building serving flats 1, 2, 5 and 8 shall be of timber construction (to match existing);
- (vii) Prior to the first occupation of any unit, the 1.8-metre high trellis, as shown on the rear terrace, shall be fully erected;
- (viii) Full particulars and details of a scheme for sound insulation between the proposed first-floor residential development and the commercial uses on the ground floor shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details on measures to ensure that there are no flanking transmission paths for noise between the commercial and residential premises. The approved scheme shall be installed before the first occupation of flats 1, 2 and 3;
- (ix) Prior to the first occupation of any flat hereby granted, the bin storage area on the terrace and the recessed bin area behind the shop front shall be provided.

(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.

148 APPLICATION NO DOV/17/01360 - 28 PRIORY HILL, DOVER

The Committee was shown plans and photographs of the application site. The Principal Planner advised that the site was situated within the urban confines of Dover in a wholly residential area, in close proximity to the town centre and railway station. The proposal sought to convert the dwelling to three flats, accessed via the main front door. The only external changes would be the demolition of a chimney stack, a replacement door to an existing store and the addition of a bin/bicycle store behind the front boundary hedge. Since the report was written, amended plans had been received replacing a third bedroom in the ground floor flat with a dining-room. This change had come about as a result of comments made by the Private Sector Housing Manager who had advised that additional amenity space was required.

The Committee was advised that a 'tilted balance' approach would be required given that some policies of the Local Development Plan were now considered out of date. This meant weighing up any public benefits against the harm that might be caused by the proposal. The application had been called in to Committee due to concerns about car parking. There was no residents' parking zone and people often

parked in Priory Hill because of its proximity to the town centre and railway station, putting pressure on parking spaces in the road. The existing dwelling had no off-road parking and the new development would generate a need for three spaces – one more than the existing. KCC Highways had advised that there was no reason to refuse the application. Whilst it was acknowledged that parking was at a premium, the application would not make the situation substantially worse. In assessing the proposal against paragraph 14 of the NPPF, it was considered that the development would cause no demonstrable harm. Moreover, there would be public benefits due to the creation of small residential units in a sustainable location.

Councillor Beresford expressed reservations about the proposal given that there was parking on one side of the road only. It was inevitable that future occupants would have cars for shopping and school runs. She doubted that anyone would be using bicycles to get around when they lived on such a steep hill. Finally, she was sure that, in practice, the dining-room in the ground floor flat would be used as a third bedroom. Councillor Hawkins referred to residents' frustration at the slow progress in introducing a parking zone. It was unfair to disregard parking simply because it was an existing problem. In any case, it was obvious that the addition of three flats would generate a need for more than one parking space. Councillor Gardner added that the application, if approved, was likely to generate similar proposals for the conversion of other large Edwardian houses in the street which, in his view, should be retained. He proposed that the application should be refused on the grounds of lack of car parking and the loss of a good quality, large house.

In response to Councillor Wallace, the Principal Planner advised that there were fewer issues to consider when assessing an application to convert an existing dwelling. The existing dwelling had 4/5 bedrooms which was comparable to the number of bedrooms being proposed. In other words, it was unlikely that the number of occupants would significantly increase as a result of the proposal. Whilst there were no parking guidelines for conversions, using new-build guidelines, it was estimated that the proposal would generate a need for one additional parking space (above what was required for the existing dwelling).

The Chairman reminded Members that the district needed smaller units of residential accommodation. However, he had some sympathy with Members who were concerned about the impact on parking and the character of the area. He suggested that a site visit would be worthwhile to assess these issues. The Planning Solicitor advised that precedent could be a material consideration. The Committee would need to consider whether granting permission would lead to a proliferation of these types of applications. However, the Committee would need to evidence the likelihood of others being converted.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/01360 be DEFERRED for a site visit to be held on Tuesday 20 February 2018 to enable Members to assess: (i) The impact on parking; (ii) The impact on the character and appearance of the area; and (iii) Refuse/bicycle storage, and Councillors P M Beresford, B Gardner, P J Hawkins, M J Ovenden and P M Wallace (reserve: Councillor F J W Scales) be appointed to visit the site.

149     APPLICATION NO DOV/17/01286 - DEERLEAP, 50 MILL LANE, SHEPHERDSWELL

The Committee viewed plans, photographs and video footage of the application site. The Planning Delivery Manager reminded Members that the original planning

permission had included a condition to prevent the land being sub-divided. The land had since been sub-divided and the application sought retrospective approval to remove the condition. Members would need to consider the impact of sub-division on the character and appearance of the countryside. Whilst there was no doubt that the sub-division had an impact on the land, on balance it was considered that this was not so significant that refusal was warranted. A number of public representations had been received, including one received that day which referred to the principle of development and the keeping of horses on the land.

Councillor Ovenden indicated that she supported the application because the site was tidy, well run and the fencing used of a high standard.

Councillor Gardner was disappointed that, despite reassurances given by the applicant, the land had been sub-divided very soon after permission had been granted. That said, the fencing was of a high standard. His only reservation surrounded the number of horses that would be kept on the site. In response, the Planning Delivery Manager advised that, taking into account the number of horses kept there and the well-run nature of the livery, there was no intention to restrict the number of horses. Councillor Hawkins was sceptical about the applicant's original intentions and expressed concerns that the land could be sub-divided further.

The Chairman reminded the Committee that it was required to assess the harm and benefits of the application, and not to make judgements about the applicant's character. He stressed that the land could not be sub-divided further without fresh planning permission. The Planning Delivery Manager added that the retrospective application was the result of enforcement activity. He was in no doubt that, should the applicant carry out further work to the land, the LPA would be made aware of it very quickly due to the level of public interest.

RESOLVED: (a) That Condition 9 in relation to Application No DOV/17/01286 be varied to state that no further sub-division of the land outlined in blue shall take place, and there shall be no further fences or means of enclosure erected upon this land other than those detailed in the approved plan. Reason: In the interests of the character and appearance of the countryside.

(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.

(Councillor M J Ovenden left the Chamber after speaking on this item.)

## 150 APPEALS AND INFORMAL HEARINGS

The Planning Delivery Manager presented the report which gave a breakdown of the appeals determined between September and December 2017.

Following a request by the Committee, the Head of Regeneration and Development had reviewed a sample of previous appeal decisions to consider whether they were robustly made. He had found that there were certain recurring areas, such as impact on neighbours and character, that the Council had been unsuccessful in defending, and had concluded that one or two applications should have been approved on balance. New processes and procedures had been put in place to

analyse decisions before they were made. Costs had been awarded against the Council in relation to the Singledge Lane appeal and another.

Members requested that a report be provided setting out the findings of the Head of Regeneration and Development's review and recapping on the points that arose from an earlier review carried out by one of the Principal Planners. The Chairman added that he would also like to have further information on how the review cases had been defended at appeal.

RESOLVED: That a report be provided summarising the findings of the Head of Regeneration and Development's review, to include the additional information requested by the Planning Committee.

151 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 11.45 pm.