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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 20 June 2019 at 6.00 pm.

Present:

Chairman: Councillor J S Back

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

Also present: Councillor P D Jull

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

The following persons were also present and spoke in connection with the applications indicated:

<u>Application</u>	<u>For</u>	<u>Against</u>
DOV/19/00177	Mr Ian Abercrombie	Ms Maureen Potts
DOV/18/00764	Mr Clive Tidmarsh	-----
DOV/19/00259	Ms Sarah Lang-Maggs	-----
DOV/17/01523	Mr Steve Miller	Ms Sandra Mallory

1 APOLOGIES

It was noted that an apology for absence had been received from Councillor D P Murphy.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor N S Kenton had been appointed as a substitute member for Councillor D P Murphy.

3 DECLARATIONS OF INTEREST

Councillor D G Beaney declared an Other Significant Interest in Agenda Item 6 (Application No DOV/19/00177 – Land at 37 Stonehall Road, Lydden) by reason that the applicant was his cousin.

Councillor R S Walkden advised that he was a member of Dover Town Council's Planning Committee which had considered Agenda Item 9 (Former Buckland

Hospital, Coombe Valley Road, Dover). He had previously expressed a view on the application but, with the benefit of the additional information now available, was approaching the application with an open mind.

Councillor H M Williams advised that she had submitted comments in relation to Agenda Item 8 (Application No DOV/19/00259 – Kingsdown & Ringwold Primary School, Glen Road, Kingsdown). However, she confirmed that she had not predetermined the application and was approaching it with an open mind.

4 MINUTES

The minutes of the meeting held on 30 May 2019 were approved as a correct record and signed by the Chairman.

5 ITEMS DEFERRED

The Chairman noted that the one deferred item was due for consideration at the meeting.

6 APPLICATION NO DOV/19/00177 - LAND AT 37 STONEHALL ROAD, LYDDEN

Members viewed drawings, plans and photographs of the application site. The Planning Consultant advised that the site was within the village confines of Lydden which meant that the principle of extending the house was acceptable, subject to its design and impact. As an update to the report, one letter had been received from the occupier of 36 Stonehall Road requesting that the application be deferred for a site visit to assess the impact on the property. An e-mail had also been received referring to a site visit undertaken by a Lydden Parish Council councillor who had concluded that the application should be refused on the grounds of the loss of daylight.

The key issue to consider was the extension's impact on the occupiers of 36 Stonehall Road. A previous application had been refused on the grounds that it would cause unacceptable harm, with the Planning Inspector dismissing the subsequent appeal. The Committee was advised that it needed to take into account the previous proposal and the Planning Inspector's decision when assessing whether the application had overcome the previous reasons for refusal.

The new proposal had reduced the depth of the extension by 0.9 metres to three metres. The extension would be the same height of 2.7 metres as previously proposed, with a solid wall facing no. 36. Referring to paragraph 2.9 of the report, the Planning Consultant advised that an individual single-storey extension, measuring three metres or less with a height not exceeding three metres, would be permissible under permitted development rights. Whilst permitted development did not apply to this extension because it was part of a larger scheme, it was an additional factor in favour of the proposal. On balance, the proposal was considered acceptable as the impact upon the living conditions of the next-door occupants was not now considered to be unduly harmful.

In response to a query from Councillor D G Cronk, it was clarified that no. 36 would experience some loss of early morning sunlight. As it was proposed to locate the extension on the north side of the building and not the south side, the loss of sunlight to the adjoining property would be less. Councillor T A Bond sympathised with the occupants of no.36 who would lose a view, but recognised that this was not a material consideration. The Planning Consultant emphasised that it was a

balanced decision. Officers had considered that the reduction in depth was sufficient to make the application acceptable, particularly because a standalone extension of three metres by three metres would be permissible without planning permission. In response to Councillor N S Kenton, it was confirmed that no negotiations had taken place with the applicant regarding the revised depth of the extension. The Planning Solicitor advised that negotiations were not a material consideration, and should not be given any weight when assessing an application.

RESOLVED: (a) That Application No DOV/19/00177 be APPROVED subject to the following conditions:

- (i) 3-year time limit to commence development;
- (ii) Development to be built in accordance with submitted drawings;
- (iii) The use of materials to match.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

7 APPLICATION NO DOV/18/00764 - STALCO ENGINEERING WORKS AND LAND REAR OF AND INCLUDING 126 MONGEHAM ROAD, GREAT MONGEHAM

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was situated within the settlement confines of Great Mongeham. The Planning Consultant advised that the site was an elongated parcel of land, part of which lay in a Flood Zone 3 area. The scheme would deliver ten units of affordable housing which was equivalent to 30% of the overall development. The mix of housing had been agreed with the Council's housing team and would meet a known housing need. Five off-street parking spaces would be included within the development to compensate for those lost on Mongeham Road. Following negotiations with Kent County Council (KCC) Highways, the inclusion of a pedestrian build-out had been agreed, without which KCC would have raised objections. Permeable paving would be used throughout the development to deal with surface water. Revisions to flood-zone mapping by the Environment Agency (EA) since the application was submitted had increased the area of flood risk within the site, putting four of the proposed dwellings squarely within Flood Zone 3.

As updates to the report, Members were advised that no further information had been provided by the applicant regarding the rationale behind the scheme's layout and the siting of four dwellings in a flood risk area. The Council's Ecology Officer had advised that further information was required in respect of the suitability of the area designated to receive translocated slow-worms and lizards. However, the applicant had not yet provided this information. The Senior Natural Environment Officer had assessed the application in the light of habitat regulations and had confirmed that the development of the site would not have an adverse effect on the integrity of the Thanet Coast Special Protection Area or the RAMSAR site. The final view of Natural England was still awaited but, under its 21-day consultation period, was expected by 1 July. The Planning Consultant advised that the report recommendation should be amended to include the satisfactory resolution of the reptile translocation measures and the addition of a standard archaeology condition.

Two additional representations had been received since the report was published. One was from the owner of Southcourt Garage who was concerned that the proposed access would encroach onto his land. It was understood that this had since been resolved with the applicant. Another representation had been received from the owner of 150 Mongeham Road, raising concerns about drainage ditches, privacy and security.

In response to the Chairman, the Planning Consultant advised that the Local Planning Authority (LPA) took the risk of flooding very seriously. She confirmed that, following lengthy negotiations with KCC, the applicant and the EA, the latter was satisfied that the proposed mitigation measures (e.g. raised floor levels and solid concrete floors) would address its concerns. The Team Leader (Development Management) added that an exceptions test permitted development in flood zones providing certain criteria were met. The EA had ruled that the proposed development would be safe from flooding in its lifetime. It was clarified that Flood Zone 3 was the highest level of risk and Flood Zone 1 the lowest.

Councillor O C de R Richardson expressed concerns that double yellow lines along Mongeham Road would encourage speeding which was already a problem. He also lamented the loss of on-street parking, and questioned whether KCC had carried out a proper assessment of the road. The Chairman sympathised but reminded Members that KCC was a statutory consultee and, as such, its advice carried significant weight. Turning to other Members' queries, he advised that contamination issues were dealt with through conditions, and that the existing single-track access had been used by lorries without problems for years.

Councillor Bond commented that he was concerned about the houses situated within the flood zone, and the overall impact that 35 dwellings would have on an area susceptible to flooding. He shared concerns about the loss of on-street parking, and was sceptical about pedestrian build-outs, questioning the practicality of cars and pedestrians sharing road space. He recommended that a condition should be attached to ensure that the internal road and access road were built to an adoptable standard.

In response to Members' queries, the Planning Consultant advised that double yellow lines would be installed before the occupation of dwellings. The loss of on-street parking would be replaced by visitor parking provided within the development that would be available to residents. A management plan would safeguard their availability to residents, as well as the provision and maintenance of the access road. Whilst it was recognised that parking along Mongeham Road was an issue, it was not for the applicant to correct an existing problem by providing parking over and above policy standards. Whilst the internal access road would not be adopted by KCC, it would be built to adoptable standards where possible. Pedestrian build-outs had Government support, and the proposed build-out was designed to compensate for the absence of a footpath on the opposite side of the road. A construction management plan could be conditioned. KCC, as the lead flood authority, was satisfied with the proposed permeable paving, subject to additional infiltration testing being carried out. Southern Water had raised no objections to the proposal, advising that there was sufficient capacity within the network for foul water disposal.

Councillor Kenton recognised that there were concerns about traffic and flooding. However, as an allocated site the principle of development was not in question. Moreover, as a brownfield site that would deliver 30% affordable housing, the development had much to recommend it. There were no sound reasons to refuse

the application, given that statutory consultees had indicated that the proposed scheme was acceptable, subject to adjustments and conditions. He recommended that the application should be approved.

RESOLVED: (a) That, subject to receiving Natural England's agreement to the conclusion of the Habitat Regulations Assessment, confirmation of reptile safeguarding measures, and to agree any minor amendments to the planning application, draft conditions and the entering into of a Section 106 planning obligation covering the matters outlined in the report, Application No DOV/18/00764 be APPROVED subject to the following conditions:

- (i) Commencement within three years from the date of this permission;
- (ii) Development to be carried out in accordance with approved plans;
- (iii) Submission of materials for approval;
- (iv) Submission of details of surfaces for approval;
- (v) Submission of details of boundary treatment;
- (vi) Submission of details of bin storage;
- (vii) Removal of permitted development rights for alterations, extensions and outbuildings;
- (viii) Submission of details of landscaping scheme;
- (ix) Submission of details of lighting scheme;
- (x) Submission of details of drainage;
- (xi) SUDS management scheme;
- (xii) To be completed in accordance with the submitted CEMP received 3 June 2019;
- (xiii) To be completed in accordance with flood risk resistance and resilience measures received 3 June 2019;
- (xiv) Submission of land contamination survey;
- (xv) Details of Public Rights of Way re-surfacing;
- (xvi) Details of procedure for reptile translocation and future monitoring.
- (xvii) Archaeology watching brief;
- (xviii) Traffic construction management plan;

(xix) Internal access road to be completed prior to first occupation and built to KCC-adoptable standard.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendation and as resolved by the Planning Committee.

8 APPLICATION NO DOV/19/00259 - KINGSDOWN & RINGWOULD C OF E PRIMARY SCHOOL, GLEN ROAD, KINGSDOWN

Members viewed plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a new pre-school building that would cater for 30 children, operating between 8.00am and 6.00pm, Mondays to Fridays. The primary school had 200 children, and the proposal would see an increase of 14% in the overall number of children at the site during the school day. A traffic assessment undertaken by KCC had concluded that the proposal would generate an additional five cars seeking to park during the peak arrivals time of 8.40am and 9.00am. The school had updated its travel plan accordingly. It was clarified that around 30% of children attending the pre-school had siblings at the primary school.

RESOLVED: (a) That Application No DOV/19/00259 be APPROVED subject to the following conditions:

- (i) Standard time period;
- (ii) List of submitted plans;
- (iii) Slab level;
- (iv) Materials to be used;
- (v) Contamination investigation;
- (vi) Construction management plan;
- (vii) Landscaping scheme;
- (viii) Travel plan;
- (ix) Details of delivery times.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Informative: That the applicant be advised that advertisement consent will be required for the proposed sign.

9 APPLICATION NO DOV/17/01523 - FORMER BUCKLAND HOSPITAL, COOMBE VALLEY ROAD, DOVER

The Committee was shown an aerial view, CGI images, plans and photographs of the application site which was adjacent to High Meadow LNR and Whinless Downs LWS, nature reserves managed by the White Cliffs Countryside Partnership and the

Kent Wildlife Trust respectively. The Principal Planner advised that the application sought outline planning permission for the erection of up to 150 dwellings, with all matters (i.e. access, layout, scale, landscaping, appearance) reserved. The site was one of a number in Coombe Valley Road that had been allocated for development in the 2015 Land Allocations Local Plan, amounting to 450 dwellings in total. However, even with this site brought forward, that number would not yet be achieved. The proposal would support the development of the area and deliver more housing in accordance with the Local Plan. The Committee was advised that, where the Local Plan was considered out-of-date, there was a presumption in the National Planning Policy Framework that planning permission should be granted unless the adverse impacts of doing so demonstrably and significantly outweighed the benefits.

It was considered that the proposed blocks of flats would not be out of character with the area due to the presence of a number of commercial and institutional buildings of varying sizes and appearance. As an update to the report, the Committee was advised that requests for developer contributions had been made for open space and the NHS. However, no further details were available for either. It was therefore proposed that the recommendation should be changed to delegate the agreement of these details to Officers. Two further comments had been received from members of the public that raised no new matters.

The viability appraisal submitted by the applicant had been independently assessed and satisfactorily demonstrated that land values could not support the provision of affordable housing. Low land values had been a factor behind the developer's decision to propose more flats on the site. It was a fact that poor land values inhibited developers' ability to develop sites in Dover. However, it was possible that the granting of outline planning permission might lead to an increase in the value of the land which could then make the provision of affordable housing viable. For this reason, a further viability review would take place at the reserved matters stage.

The Kent Wildlife Trust had raised concerns about the effect of light pollution on bats in Whinless Downs and Long Wood. As an outline application, there was uncertainty about the exact nature of the impact. On the advice of the Council's Ecology Officer, a condition had been added to ensure that any external lighting scheme was bat-friendly.

Councillor E A Biggs expressed disappointment with the proposed design of the scheme and the lack of affordable housing. In response to Councillor Kenton, the Principal Planner advised that a children's play area would be provided, details of which would be considered at the reserved matters stage. Discussions would also take place with Kent Police and the Council's Anti-Social Behaviour Unit to ensure that the scheme's design would not facilitate anti-social behaviour. He also clarified that, whilst the Council's policy was to seek up to 30% affordable housing, this was determined by economic viability and market conditions. In this case, depressed land/sale values affected the developer's ability to provide affordable housing.

RESOLVED: (a) That, subject to a Section 106 legal agreement (the full details of which shall be delegated to Officers, including a review of open space and the Clinical Commissioning Group contribution request), Application No DOV/17/01523 be APPROVED subject to the following conditions:

(i) Drawings;

- (ii) Reserved matters – layout, scale, appearance, landscaping, access;
- (iii) Reserved matters time period for application;
- (iv) Reserved matters time period to commence;
- (v) Accessible green space and equipped play space;
- (vi) Public realm management strategy;
- (vii) Highways – travel plan including exploration of Stagecoach smart card;
- (viii) Highways – visibility splays;
- (ix) Highways – parking and turning facilities, including provision for electric vehicle charging;
- (x) Highways – cycle parking;
- (xi) Highways – completion of access prior to use of site commencing
- (xii) Highways – completion of uncontrolled pedestrian crossing and associated highways alterations prior to use of site commencing;
- (xiii) Highways – provision of measures to prevent discharge of surface water onto highway;
- (xiv) Highways – bound surface first 5 metres from edge of highway;
- (xv) Highways – completion of alterations to traffic signals at Cherry Tree Avenue/Buckland Avenue and Bridge Street/High Street junctions prior to use of site commencing;
- (xvi) Sewerage – occupation of site phased in line with sewerage network reinforcement;
- (xvii) Sewerage – foul drainage strategy;
- (xviii) SUDS – detailed surface water drainage scheme;
- (xix) SUDS – operation and maintenance manual for proposed drainage scheme;
- (xx) SUDS – verification report for provision of scheme;

(xxi) SUDS – infiltration drainage only where agreed with LPA with reference to risk to controlled waters and ground stability;

(xxii) EH – land contamination and risk assessment;

(xxiii) EH – remediation scheme, if necessary;

(xxiv) EH – verification of remediation scheme, if necessary;

(xxv) EH – unidentified contamination;

(xxvi) Foundation design – no piling unless consented by Local Planning Authority;

(xxvii) Trees – arboricultural method statement, including tree protection measures;

(xxviii) Archaeology – cease works if remains found;

(xxix) Provision of recommended ecological enhancements;

(xxx) External lighting strategy, with regard to impact on ecology (bat-friendly);

(xxxi) Topographical details;

(xxxii) Utility strategy;

(xxxiii) Marketing areas;

(xxxiv) Refuse bins;

(xxxv) Construction management plan, noise remediation, vibration remediation, dust suppression, hours of working.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

10 APPLICATION NO DOV/19/00106 - LAND ADJACENT TO ST MARY'S GROVE COTTAGE, ST MARY'S GROVE, TILMANSTONE

The Committee viewed an aerial view, a map, plans and photographs of the application site. The Team Leader (Development Management) reminded Members that the application had been deferred at the last meeting for a site visit. The application sought planning permission for the erection of a detached dwelling in the hamlet of Tilmanstone. The site was situated in the countryside and countryside

protection policies therefore applied. The latter were considered up-to-date and could therefore be given full weight. Given the site's location, the occupant would be heavily reliant on the use of the car which, in planning terms, meant the site was unsustainable. Although the site lay within a conservation area, the Council's Heritage Officer had raised no objections.

It was emphasised that the site lent a soft and sylvian edge to Tilmanstone. The proposed dwelling would be most visible from the footpath that ran along Northcourt Lane. The siting of the dwelling in the form proposed would be contrary to the Local Plan and countryside policies. Moreover, a case had not been made in respect of the applicant's personal circumstances that would justify setting aside these policies.

Councillor Biggs reported on the site visit, the purpose of which had been to assess the potential impact on the countryside and to understand the needs of the applicant. A Tilmanstone Parish Council representative had attended the site visit and raised no objections. Following a walk around the site and along the footpath, Members had concluded that the proposed development would have a modest impact on the countryside. However, they also felt that a single storey building would be visually more acceptable. They also felt that further information was needed regarding the applicant's needs and circumstances and what other options, if any, had been explored.

Councillor Bond stressed that the Committee had a duty to be consistent in its decision-making and to uphold the policies of the Local Plan. In his view the Officer's assessment was fair, and there were no planning reasons to override policies and approve a dwelling in the countryside. Councillor Kenton clarified that Tilmanstone's designation as a hamlet and Core Strategy Policy DM1 were the starting point for the Committee. Whilst village gardens were considered to be brownfield land, no sequential test had been carried out to demonstrate that alternative options had been explored and discounted. Whilst there was sympathy for the applicant, the need for such a large dwelling had not been explained.

RESOLVED: That Application No DOV19/00106 be REFUSED on the grounds that the proposed development would be located outside of any settlement confines, as identified on Dover District Council Policies Map 2015, does not functionally require a rural location and would not be ancillary to existing development and would therefore represent an unsustainable form of development. The proposal would be highly visible within its rural setting and harmful to the open character and appearance of the adjoining countryside. The proposal would therefore be contrary to Policies CP1, DM1, DM11, DM15 and DM16 of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

11 APPEALS AND INFORMAL HEARINGS

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

12 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 8.49 pm.