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Minutes of the meeting of the **PLANNING COMMITTEE** held remotely on Thursday, 19 November 2020 at 6.00 pm.

Present:

Chairman: Councillor R S Walkden (Vice-Chairman in the chair)

Councillors: M Bates  
D G Beaney  
E A Biggs  
T A Bond  
P M Brivio  
P D Jull  
O C de R Richardson  
H M Williams  
C F Woodgate

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

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/20/00304	Mr Clive Tidmarsh	-----

60 APOLOGIES

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

61 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors P D Jull and P M Brivio had been appointed as substitute members for Councillors J S Back and D G Cronk respectively.

62 DECLARATIONS OF INTEREST

There were no declarations of interest.

63 MINUTES

The minutes of the meetings held on 24 September and 29 October 2020 were approved as correct records and signed by the Chairman.

64 CHAIRMAN'S ANNOUNCEMENT

The Chairman announced that Agenda Items 8 (Application No DOV/19/01260 – Land off Church Lane, Deal) and 9 (Application No DOV/20/00544 – Meadow

Cottage and Land rear of Meadow Cottage, The Street, Preston) had been withdrawn from the agenda.

65 ITEMS DEFERRED

The Chairman referred to the deferred item having been withdrawn from the agenda.

66 APPLICATION NO DOV/20/00304 - LAND FRONTING CHAPEL HILL, EYTHORNE

Members were shown drawings, plans and photographs of the application site. The Planning Consultant advised that planning permission was sought for the erection of a detached house with two parking spaces. A late representation had been received reiterating concerns about traffic congestion and the width of Chapel Hill.

Officers considered that the house was well-designed and would enhance the street scene. Moreover, it was acceptable in terms of its impact on the residential amenity of neighbouring properties. However, Kent County Council (KCC) Highways had raised objections because the scheme could not achieve the necessary visibility sightlines. In this regard, the access proposal crossed land that was not highway land or within the ownership of the applicant and, as such, breached KCC's requirements for visibility splays. Furthermore, the exact location of the highway boundary needed to be investigated and confirmed.

Councillor H M Williams commented that she understood that the applicant had been advised that the highway boundary would need to be established with KCC's highway definition team. However, this had not been done. She argued that Members were required to assess the application on the basis of the details provided, and should not be distracted by technical matters that were outside their realm of expertise. The Planning Consultant clarified that it was for the planning agent to establish and provide evidence in respect of the highway boundary. Both the north and south sightlines were problematic in that the land they would traverse was outside the control of the applicant. This cast doubt on the applicant's ability to retain and maintain the sightlines in perpetuity. It also prevented a condition being imposed as compliance would rely on a third party.

Councillor P D Jull referred to the southern sightline which would run across the forecourt of the garage and the northern one which appeared to cross a piece of open grass. Councillor T A Bond was of the view that, given that the proposal was acceptable in all other respects, the application should be approved subject to the installation of mirrors at the access. He commented that the northern access would not cross a private property which meant that nothing could be built there in the future.

The Planning Consultant explained that KCC Highways would not accept mirrors as a means of making an unsafe access safe. He clarified that a boundary enclosure adjacent to a highway which was over one metre in height would require planning permission and the Council would be able to determine the application having considered its impact upon highway safety. However, a boundary enclosure along a side boundary and not adjacent to a highway could be two metres in height, but would not require planning permission and could not then be controlled by the local planning authority. The sightlines, which were currently 22 metres to the north and 19 metres to the south, were required to be 43 metres either side and could not be achieved on land that was within the applicant's ownership.

Councillor M Bates commented that he had visited the site and had observed a proliferation of parked cars and that views up Chapel Hill were obscured. This would make it difficult for cars to exit the site safely. He was also aware that the road had a history of speeding cars. These factors led him to support KCC Highways' advice. The Planning Consultant confirmed that Officers would be looking for the applicant to come to an agreement with any third party as this would allow a condition to be imposed. If the Committee was minded to refuse, an informative could be added to the effect that the application was likely to be acceptable if further satisfactory evidence of ownership of land currently outside the application site was provided to enable the sightlines to be provided in perpetuity. The applicant would be able to submit another application free of charge if done within a certain timeframe.

In response to a query from Councillor Williams, the Planning Solicitor advised that a decision which went against the advice of a statutory consultee, which was regarded as an expert and independent of the Council and the applicant, would be more open to challenge. Given that the Planning Officer had come to a reasoned recommendation on the application, it was for the Committee to explain why it disagreed with this recommendation.

It was moved by Councillor T A Bond and duly seconded that Application No DOV/20/00304 be APPROVED on the grounds that: (i) The installation of mirrors on the driveway would overcome visibility problems; (ii) The visibility splay to the north would not cross private land; and (iii) The application was acceptable in all other respects.

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

It was moved by Councillor E A Biggs, duly seconded and

RESOLVED: (a) That Application No DOV/20/00304 be REFUSED on the grounds that the proposed development is unable to secure or provide suitable visibility splays to serve the development and, as a result, the proposed access to the site would not achieve a safe or suitable means of access for all users, contrary to Paragraph 108 of the National Planning Policy Framework.

(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.

67 APPLICATION NO DOV/20/00566 - DELFBRIDGE MANOR, 10 DOVER ROAD, SANDWICH

The Committee viewed plans and photographs of the application site. The Planning Officer advised that planning permission was sought for the erection of four semi-detached and four terraced dwellings, along with a new access and parking. As a correction to paragraph 2.19 of the report, she advised that Unit 1 would also have one window at ground, first and second floor levels. However, due to the separation distance and planting surrounding the site, this was considered unlikely to result in undue harm to privacy. The site had been subject to a number of previous applications, most recently in 2019 when permission had been granted for the same number of dwellings. The principal difference between the 2019 proposal and the current scheme was that the width of the dwellings had been increased and the depth decreased. In addition, the siting of the dwellings had been amended to

address previous concerns about the loss of trees. Whilst the site was outside the settlement confines, it was in a sustainable location and the proposal accorded with Core Strategy Policies DM11, 15 and 16 and the National Planning Policy Framework (NPPF). It was also relevant that the 2019 planning permission was extant and could therefore be implemented. Recognising the 'tilted balance' approach set out in the NPPF, approval was recommended.

In response to a query from Councillor Williams, the Planning Officer advised that the private road which gave access to the rear of the site was owned by Network Rail with whom the applicant would need to discuss access arrangements. In clarification, she advised that there was currently one parking space for each flat in Delfbridge Manor. The scheme proposed one space for each house, as well as three visitor spaces and a disabled parking space at the rear. Councillor O C de R Richardson referred to recent government announcements regarding water efficiency, the use of renewable and low energy technologies, etc, and requested that conditions be added to support these. The Development Management Team Leader advised that these were important policy matters which the Local Plan review process was presently exploring. However, until such time as the draft Local Plan had been out to consultation, it carried limited weight and the imposition of such conditions could be open to challenge. In contrast, the NPPF referred to electric vehicle charging points which meant that the infrastructure to support their installation could be conditioned.

RESOLVED: (a) That Application No DOV/20/00566 be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) List of approved plans;
- (iii) Samples of materials;
- (iv) Details of soft and hard landscaping (including boundary treatments) and schedule of planting;
- (v) Development shall be carried out in such a manner as to avoid damage to the existing trees, their root systems and other planting;
- (vi) Provision and retention of refuse and bicycle storage;
- (vii) Provision and retention of vehicle access and parking space and restriction of access to the rear of the site to the user of the designated disabled parking space only;
- (viii) Submission of a construction management plan;
- (ix) Details of surface water disposal;
- (x) Details of foul sewerage disposal;
- (xi) Programme of archaeological work;
- (xii) Cables for electric vehicle charging points;

- (xiii) Removal of permitted development rights for Classes B and C of Schedule 2, Part 1 of GPDO;
- (xiv) No vehicle hardstandings shall be created within front gardens to prevent use of the access by vehicles.

(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.

68 PLANNING FEES AND CHARGES 2021/22

The Development Management Team Leader presented the report, advising that Appendix 5.3 previously circulated was incorrect and did not reflect an increase of 40% in pre-application advice fees. In response to a query from Councillor Bates, the Development Management Team Leader undertook to respond outside the meeting on prior approval charges and whether these applied to public houses.

RESOLVED: That the report be noted.

69 APPEALS AND INFORMAL HEARINGS

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

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

The Committee noted that no action had been taken.

The meeting ended at 7.34 pm.