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Minutes of the meeting of the **PLANNING COMMITTEE** held remotely on Thursday, 21 January 2021 at 6.00 pm

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
E A Biggs
T A Bond
D G Cronk
O C de R Richardson
C A Vinson
H M Williams
C F Woodgate

Officers: Team Leader (Development Management)
Principal Planner
Senior Planner
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/20/01117 | Mr Andy Bateman | Mrs Sharon Taylor |
| DOV/20/00531 | ----- | Councillor C D Zosseder |
| DOV/19/01260 | Mr Alex Kalorkoti | Mr Jason Harvey Dr Raju Sakaria Councillor P D Jull |

81 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised that an e-mail had been received from objectors to an application for a site at Cross Road, Deal which had been granted planning permission by the Committee at its meeting held on 17 December 2020. The Committee was being asked by objectors to propose and pass a motion under Agenda Item 9 that would require a report to be brought to the Committee's February meeting with an option to agree to a Consent Order that would effectively quash that decision. However, this matter was not an item of business on the agenda, and it was his opinion that there were no special circumstances that would warrant the proposal being considered as a matter of urgency, as required under Section 100B of the Local Government Act 1972.

82 APOLOGIES

It was noted that an apology for absence had been received from Councillor D G Beaney.

83 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor C Vinson had been appointed as a substitute member for Councillor D G Beaney.

84 DECLARATIONS OF INTEREST

There were no declarations of interest.

85 MINUTES

The minutes of the meeting held on 17 December 2020 were approved as a correct record and signed by the Chairman.

86 ITEMS DEFERRED

The Chairman advised that the deferred application was due to be considered at the meeting.

87 APPLICATION NO DOV/20/01117 - LAND REAR OF 152 AND 154 CANTERBURY ROAD, LYDDEN

The Committee viewed drawings, plans and photographs of the application site. The Senior Planner advised that the application sought planning permission for the erection of a detached dwelling with parking on a plot that had been created by subdividing the rear garden areas of 152 and 154 Canterbury Road. As an update to the report, she advised that an e-mail had been received from the Kent County Council (KCC) division councillor in support of the proposal, referring to smaller developments being more appropriate for villages, the addition of a residential dwelling and parking. Additional comments had also been received from the occupants of 160 Canterbury Road relating to overshadowing and overlooking from a side door.

Members were advised that the plot would measure approximately 19.5 metres by 20 metres. The proposal was for a 3/4-bedroomed dwelling which would be sited to the west of the plot and one metre away from the common boundary with 160 Canterbury Road. Save for the bathroom, the building would be constructed without windows on the side elevations at first-floor level. There would be a parking platform with space for two cars. Beyond the site boundary and outside the applicant's ownership was a row of mature leylandii trees.

The site was within the settlement confines of Lydden. The proposal was therefore in accordance with the National Planning Policy Framework (NPPF) and acceptable in principle. Whilst the plot was not large, it was considered adequate, and its development would not cause harm to the residential amenity of the occupants of neighbouring properties nor to the general character of the area. In respect of comments received from the occupants of 160 Canterbury Road, Officers had concluded that, due to the separation distance involved, there would be no undue harm caused by overshadowing. To address the concern raised about overlooking, obscure glazing to the side door could be conditioned. It was also the case that, whilst the amenity of the residents of 152 and 154 Canterbury Road would be affected, this was considered to be acceptable on balance.

The amenity of the future occupiers of the dwelling would be affected as a result of the relatively small garden area, the boundary of leylandii trees to the rear and some overlooking from the first-floor windows of 160 Canterbury Road. However,

due to the greater separation distance to the east, it was considered that, on balance, there would be an adequate level of amenity for future occupants.

In terms of parking and highway safety, KCC Highways had confirmed that the proposed pedestrian and vehicle visibility splays and access arrangements were satisfactory. In respect of surface water and foul drainage, it was proposed that pre-commencement conditions should be added to those set out in the report. Overall, applying the tilted balance approach set out in paragraph 11 of the NPPF, it was considered that the adverse impacts of the development were below a level that would significantly and demonstrably outweigh the benefits, and approval was therefore recommended.

In response to concerns raised by Councillor E A Biggs, the Senior Planner confirmed that the proposed orientation of the dwelling was considered appropriate for the site given its relationship with adjacent properties. She also advised that, although vehicles would have to reverse in and out of the parking area, this was a similar arrangement to other properties in the road and was considered acceptable by KCC Highways. She clarified that a standard condition for electric vehicle charging points was used to reflect the fact that there were different types of plug. The Team Leader (Development Management) advised that there was a condition which would ensure that further details of slab levels would be submitted.

RESOLVED: (a) That Application No DOV/20/01117 be APPROVED subject to the following conditions:

- (i) Time period;
- (ii) In accordance with approved plans;
- (iii) Slab level/section details to be submitted showing the level no higher than the adjoining garden to 160 Canterbury Road;
- (iv) Materials including details of cladding to parking platform;
- (v) Landscaping;
- (vi) Drainage details;
- (vii) Parking provision;
- (viii) Gradient/surfacing of vehicle access/cycle storage/surface water storage;
- (ix) Provision of vision splays;
- (x) Construction management plan;
- (xi) Measures to accommodate electric vehicle charging facility;
- (xii) Provision of refuse storage facilities;
- (xiii) The door to the western side elevation of the dwelling hereby approved shall be fitted and maintained with obscure glazing;

- (xiv) No windows or openings to be installed in the side elevations of the proposed dwelling;
- (xv) No openings to be installed in the roof of the proposed dwelling.

(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 report and as resolved by the Planning Committee.

Informative: Disposal of foul sewage and surface water

88 APPLICATION NO DOV/20/00531 - LAND BETWEEN 20 AND 24 CASTLE AVENUE, DOVER

Members were shown drawings, plans and photographs of the application site. The Principal Planner advised that planning permission was sought for the erection of a three-storey building comprising six flats. The site was an undeveloped plot currently occupied by a garage which would be demolished. Two points of note were the positions of the houses either side of the application site, with no. 24 being sited well forward in its plot, and no. 20 being set much further back, and the significant drop in levels from the front to the rear of the application site. Six parking spaces would be provided at the front of the site, with a new access and visibility splays off Castle Avenue. The building would be approximately the same height as no. 20, and picked up on a number of the design features present in the street. Concerns had been expressed about the principle of building flats in a street dominated by conventional housing. However, a significant proportion of homes in the street were flats, either conversions or purpose-built.

Councillor Biggs expressed concerns about access, double parking at school times and the inability of cars to pass each other. Castle Avenue was one of only a few streets in Dover offering large, attractive homes in sizeable plots. He questioned whether granting permission for a block of flats would set a precedent for others to demolish houses and replace them with flats. The Principal Planner commented that, whilst there were trees in the carriageway, parking spaces were well defined. Although the street was narrow in places because of the trees, it was generally wide enough that two cars could pass each other most of the time. He reiterated that there were already a number of flats in the street. The character of the street was defined by the character and design of the existing houses. In recognition of this, the proposed development had been designed to fit into the existing street scene, with gable roofs and vertical windows amongst other things.

Councillor C A Vinson referred to the historical nature of dwellings in Castle Avenue, and the importance of ensuring that the types of materials used for the proposed building were complementary, and appropriately conditioned. Councillor M Bates recognised that there were already flats in the street. However, many of these were conversions and had been there for some years. Moreover, it was a long road and it was his impression that most of the newer flat buildings were in a different part of the road to the application site which was largely surrounded by sizeable family homes. In response to a query from Councillor D G Cronk, the Principal Planner advised that only two of the flats would be potentially capable of offering disabled access. He expressed doubts that the layout of the flats could be altered to accommodate wider doors. Councillor Cronk requested that the parking spaces be allocated to individual flats.

In respect of a suggestion by Councillor H M Williams that the parking area should be a permeable surface, the Principal Planner advised that it was the intention that some of the surface should be permeable. However, it was a KCC Highways' requirement that some of the access and parking area be a bound surface. Nevertheless, the condition could be amended to reflect Members' wishes on this point. In response to Councillor O C de R Richardson who raised concerns regarding the protection of a tree which stood in the carriageway and just outside the application site, he accepted that a condition could probably be added in relation to the tree since its roots were likely to fall within the application site.

RESOLVED: (a) That Application No DOV/20/00531 be APPROVED subject to the following conditions:

- (i) Standard commencement condition;
- (ii) List of approved plans;
- (iii) Submission of samples of external materials;
- (iv) Submission of landscaping scheme and details of boundary treatment;
- (v) Provision of car parking (including allocated parking spaces);
- (vi) Provision of new access, vehicular crossing and sight lines, before occupation;
- (vii) Existing access to be closed;
- (viii) Building to be constructed at the agreed slab level;
- (ix) Provision of cycle parking;
- (x) Submission of details of refuse bin storage;
- (xi) Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition);
- (xii) Submission of, and adherence to, Construction Management Plan (pre-commencement condition);
- (xiii) Provision of obscured glazing to flank windows;
- (xiv) Surfacing of access (including permeable surface) and no water to discharge to highway;
- (xv) Provision of ducting and cabling to enable installation of electric vehicle charging points;
- (xvi) Provision of pedestrian vision splays;
- (xvii) Dealing with unforeseen contamination;

- (xviii) Requirement to submit details of window openings, including depth of reveals and cill construction and materials;
- (xix) Tree protection.

(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 report and as resolved by the Planning Committee, and to draft and issue a Statement of Reasons.

89 APPLICATION NO DOV/19/01260 - LAND OFF CHURCH LANE, DEAL

The Committee was shown an aerial view, drawings, a plan and photographs of the application site. The Principal Planner advised that the application sought outline planning permission for the erection of fourteen houses on a triangular site between a recent development at Hyton Drive and a site at Churchfield Farm which had been granted planning permission in 2019. Members were reminded that the Committee had deferred the application at its September meeting pending further information about flooding and drainage, access roads and sustainability issues. As an update to the report, two additional representations had been received. Firstly, from Sholden Parish Council which had raised concerns over the use and effectiveness of the proposed drainage condition and commented on Southern Water's (SW) advice regarding existing sewers. Secondly, from the CPRE (formerly known as the Campaign to Protect Rural England) which had stated that the granting of planning permission would go against previous decisions of the Council and Planning Inspectors' findings.

In respect of the reasons for deferral, the Committee was advised that surface water from the proposed development would drain to the existing watercourse to the north-east via the existing surface water system on the neighbouring Persimmon development. Further work had confirmed that there was sufficient capacity, and KCC as the lead local flood authority had withdrawn its objection. In respect of foul drainage, it was proposed to make use of the foul system serving the neighbouring development which eventually drained to a combined sewer that passed through the Albert Road area. Given the existing flooding issues in the area, SW had been asked to review its initial response.

Following further investigations, SW had concluded that the additional flows through that part of the system might lead to an increased risk of flooding. SW had a statutory duty to provide the required capacity, and the established procedure for dealing with such a situation was to impose a Grampian-style condition, stipulating that the new houses could not be occupied until sufficient capacity existed. He stressed that it would not be appropriate to impose a condition that forbade commencement of development until the works were completed as the additional sewer capacity would only be needed when the houses were occupied. Members were referred to paragraphs 2.16 to 2.18 of the report which covered this issue in detail. The Principal Planner emphasised the fact that the application could not be expected to resolve existing capacity issues, only those which might arise from the new development.

The Principal Planner advised that the proposed condition would address the NPPF requirement that developments should not increase flood risk. He clarified that, before occupation, SW would have to carry out technical investigations to establish what works were needed to enhance sewer capacity, and to carry out those

improvements. SW had estimated that these investigations and works would take up to 24 months. Since the application was outline only, with a full application for reserved matters required, and a Section 106 agreement for developer contributions needed, it was unlikely that development would commence for some time.

In respect of highways and access, KCC Highways had confirmed that the roads within the site and part of Hyton Drive were constructed to an adoptable standard and were capable of taking construction traffic. To address concerns about potential damage from construction traffic, a condition was proposed requiring the submission of a construction management plan. This matter was dealt with in detail in paragraphs 2.22 and 2.23 of the report. In relation to a suggestion made by Councillor Peter Jull in his written statement that a safeguarding mechanism should be used to allow access from the development into the Churchfield Farm site, Members were advised that the proposed layout was before them, and there was no justification for safeguarding land in the corner of the site to give access to Churchfield Farm at a future date.

Looking at wider issues, Members were reminded that the site was outside but adjacent to the defined built confines of Deal. He urged Members to view the development in the context of the existing development at Hyton Drive and the site at Churchfield Farm which had received planning permission. The proposal would effectively 'round off' a gap in existing development commitments and would not encroach further north into the gap between Deal and Sholden. When assessed against the tests of the NPPF, Officers considered the proposal to be a sustainable development and approval was therefore recommended.

Councillor T A Bond expressed disappointment at the information received from SW. He doubted that capacity would be increased as a result of the development given that flooding had been a problem in Deal for years but had yet to be addressed by SW. He was concerned that the 'green corridor' between Deal and Sholden which had historically been protected would be lost. Furthermore, he was not convinced it was a sustainable scheme due to the fact that children from the development would almost certainly need to travel by car in order to access primary schools. His other concern was that residents' only access to and from the estate would be via private roads managed by third parties, with no direct access to the public road network. For these reasons, together with the fact it was outside the settlement confines and therefore contrary to Core Strategy Policy DM1, he could not support the proposal.

The Principal Planner reiterated that there were safeguards in place to ensure that the development did not increase the risk of flooding elsewhere. SW would need to establish what works were required to increase capacity to ensure that the development did not affect the current situation. He stressed that works for this development could not be expected to deal with existing problems which were the subject of separate and ongoing investigations and discussions. The site was located between two sites which had either been developed or had planning permission, a factor that the Committee should bear in mind when considering the 'green corridor'. In terms of sustainability and access to schools, contributions had been requested by KCC towards the expansion of Deal Primary School and Dover Grammar School for Girls. Moreover, the site was a relatively short walk from a main road served by bus services. Whilst access over private roads was an unusual situation, it was not without precedent. Land Registry documentation had been submitted which showed that the developer had rights of access over the private roads and that these rights would extend to future occupiers of the houses.

In response to queries from Councillor Richardson, the Principal Planner confirmed that no Grampian-style conditions had been imposed on the Hyton Drive and Churchfield Farm developments in relation to drainage. The Chairman added that the neighbouring site at Churchfield Farm had been refused by the Committee but, at appeal, had been granted planning permission. The Planning Solicitor advised that it would not be appropriate to apply a condition or add an informative requiring the reserved matters application to come to the Committee for determination as this was a governance matter. However, the Committee's request would be noted and actioned by Officers at the appropriate time.

Following a concern raised by Councillor Vinson, the Principal Planner agreed that SW's referral to phasing was somewhat anomalous given the size of the development. To reflect Councillor Vinson's concerns, he undertook to review condition 11 to ensure that no houses could be occupied until the drainage capacity works had been completed. He clarified for Councillor R S Walkden that it was not a material consideration that the private roads which linked the development to the public highway were unadopted. It was, however, a material consideration that there was a legal right of access to the public highway.

Councillor Bond reiterated his concerns about access and drainage, querying whether residents would have to pay charges to access private roads, and whether it was realistic to expect SW to carry out the works in 24 months given that there were likely to be significant costs involved. He suggested that the application should be deferred. Councillor Biggs stated that he disliked infill developments, questioning what was to stop another development being built to the north of the site. Whilst Members were aware that discussions about flooding at Albert Road were ongoing, they had yet to receive any details of these.

It was proposed by Councillor R S Walkden and duly seconded that Application No DOV/19/01260 be APPROVED as per the Officer's recommendation.

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

(There being an equality of votes, the Chairman used his casting vote.)

RESOLVED: (a) That, subject to the completion of a Section 106 Agreement to secure the developer contributions as set out in the committee report of 3 September 2020, Application No DOV/19/01260 be APPROVED subject to the following conditions:

- (i) Standard Outline condition – Reserved Matters (appearance, landscape and scale) to be submitted;
- (ii) Standard Outline condition – submit Reserved Matters within three years;
- (iii) Standard Outline condition – commencement;
- (iv) List of approved plans;
- (v) Submission of details of external materials;
- (vi) Submission of landscaping scheme;
- (vii) Provision of car parking;

- (viii) Provision of cycle parking;
- (ix) Provision of refuse facilities;
- (x) Unforeseen contamination;
- (xi) A condition substantially in the following form: None of the dwellings hereby approved shall be occupied until any necessary sewerage network reinforcement work has been carried out to ensure that adequate wastewater network capacity is available to adequately drain the development. In order to demonstrate that sufficient capacity has been provided, prior to the occupation of any dwelling, details of the drainage network that will serve the development shall be submitted to the local planning authority, accompanied by evidence to demonstrate that the required works have been carried out and that the network does have the required capacity. Occupation shall then not take place until the Local Planning Authority has confirmed that it is satisfied that the submitted details fulfil the necessary requirements.

Reason: In order to ensure that the development is adequately served by drainage infrastructure, pursuant to the objectives of paragraphs 127, 163 and 180 of the National Planning Policy Framework, and in the interests of public health and the prevention of flooding generally;

- (xii) Submission of details to confirm that the surface water drainage system can accommodate storm events (as required by Kent County Council) (pre-commencement condition);
- (xiii) Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition);
- (xiv) Verification of installation and effectiveness of drainage scheme;
- (xv) Limitation and control over extent and location of infiltration into the ground (as required by Kent County Council);
- (xvi) Securing and protection of off-site drainage works (as required by Kent County Council);
- (xvii) Submission of, and adherence to, a Construction Management Plan, including a requirement for pre and post-construction condition surveys/photographs of access roads (pre-commencement condition);

- (xviii) Provision of access to highway and construction of visibility splays before occupation;
- (xix) Archaeological investigation (pre-commencement condition);
- (xx) Submission of ecological management and monitoring plan;
- (xxi) Broadband provision;
- (xxii) Scheme of ecological mitigation (pre-commencement condition);
- (xxiii) Scheme in relation to Secured by Design principles;
- (xxiv) Cabling to secure opportunity for future electric vehicle charging points.

(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 report and as resolved by the Planning Committee, and to draft and issue a Statement of Reasons.

Informatives:

1. Need for consent to connect to sewer (SW)
2. Other sewers running through site (SW)
3. Advice on biodiversity measures to be incorporated into the landscaping scheme and ecological management plan
4. Incorporation of technical design measures regarding Secured by Design
5. Provision of infrastructure to facilitate Broadband
6. Disposal of waste arising from excavation/construction
7. Protection of existing water infrastructure (SW)
8. Matters to be included in detailed SUDS scheme (SW)

90 APPEALS AND INFORMAL HEARINGS

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

91 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 9.04 pm.