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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 15 July 2021 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
D G Beaney
E A Biggs
T A Bond
D G Cronk
P D Jull
O C de R Richardson
C F Woodgate

Officers: Planning and Development Manager
Principal Planner
Planning Officer
Planning Solicitor
Democratic Services Officer

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

| <u>Application No</u> | <u>For</u> | <u>Against</u> |
|-----------------------|---------------|-----------------|
| DOV/21/00506 | Mr John Peall | Mr David Marsh |
| DOV/21/00311 | Mr John Peall | ----- |
| DOV/20/00510 | Mr Rob Prince | Mr Mike Sargent |

25 APOLOGIES

It was noted that there were no apologies for absence.

26 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 MINUTES

The minutes of the meeting held on 24 June 2021 were approved as a correct record and signed by the Chairman.

29 ITEMS DEFERRED

The Chairman advised that the applications listed remained deferred.

30 APPLICATION NO DOV/21/00506 - HOURS, CHURCH ROAD, COLDRED

Members viewed an aerial view, drawings, a plan and photographs of the application site which was a large residential plot currently containing a bungalow. The Planning Officer advised that the application sought planning permission for the erection of a two-storey dwelling with rooms in the roof space and a detached garage, with the existing dwelling to be demolished.

The principal issues for Members to consider were the impact on the street scene and residential amenity. The drawings had been amended since the application was first submitted, and it was now considered that concerns regarding the impact on residential amenities had been overcome. Whilst the existing boundary was currently relatively open, the proposal would provide more screening between the application site and Green Leas, the neighbouring property. This would minimise the visual impact of the proposed dwelling which would also be seen against the woodlands to the north-east of the site. The existence of other two-storey dwellings in the area meant that the proposal would not be introducing a new form of development into the immediate vicinity. Officers were also satisfied that the proposed dwelling would not be overly dominant when compared to Green Leas, and approval was therefore recommended.

Councillor C F Woodgate stated that, in his view, the size and scale of the proposed dwelling would be out of place in an historic village like Coldred. Whilst there were larger houses in the village, they were at least 200 yards away from the application site. The proposed dwelling would be in close proximity to Green Leas and overly imposing. In response to a query from Councillor M Bates, the Planning Officer advised that the side of the existing house was five metres from the shared boundary line, with three and a half metres beyond that to Green Leas. The proposed dwelling would follow approximately the same footprint. The bulk of the dwelling would largely be screened by vegetation. He clarified that an outbuilding at the rear of the property would be used for storage and was not part of the application. In respect of archaeology, he clarified that the archaeology condition in the report would be amended to take account of comments from Kent County Council (KCC) which had not yet been received.

In response to concerns raised by Councillor E A Biggs about massing and style, the Planning Officer added that it was not unusual to have a two-storey building next to a bungalow. The proposed dwelling, like the existing one, would be built of brick, with white windows and a similar floor area on the ground floor. The only difference between the two properties was the additional floor. The difference in height between the new dwelling and Green Leas would be between three and a half and four metres. Following a concern raised by Councillor T A Bond, he advised that there was a property on the opposite side of the road whose outbuildings were situated up against the roadway.

RESOLVED: (a) That Application No DOV/21/00506 be APPROVED subject to the following conditions:

- (i) 3-year commencement;
- (ii) In accordance with approved plans;
- (iii) Samples of external materials;
- (iv) Details of bin storage provision;
- (v) Details of bicycle storage provision;

- (vi) Obscure glazing to south-west facing first floor windows, including master bedroom;
- (vii) Obscure glazing to second floor rear window;
- (viii) Obscure glazed side screen to first floor balcony;
- (ix) Implementation of landscaping plan;
- (x) Provision of parking area shown on drawings;
- (xi) Construction Management Plan: details of construction vehicle parking arrangements, wheel-washing, dust suppression, etc;
- (xii) Works to cease should any archaeological remains be found during the course of the development;
- (xiii) Protection and retention of existing hedgerow to front boundary;
- (xiv) Section drawings through the site and proposed dwelling;
- (xv) Provision of electric vehicle charging point infrastructure;
- (xvi) Remove permitted development rights for new windows/openings in the south-western elevations;
- (xvii) Remove permitted development rights for extensions/alterations to the roof.

(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.

31 APPLICATION NO DOV/21/00311 - WOODLAND ADJACENT TO HOURS, CHURCH ROAD, COLDRED

Members were shown an aerial view, plan and photograph of the application site. The Planning Officer advised that, following the lodging of an appeal for the non-determination of a planning application, the Local Planning Authority (LPA) was required to advise the Planning Inspectorate what its decision would have been had the application been determined by the Planning Committee. The Committee's decision this evening would be a material consideration for the Planning Inspectorate. He emphasised that the Committee's decision should be based on the information supplied by the applicant at the time the appeal was lodged.

Members were advised that the application had sought planning permission to infill an existing railway cutting in woodland that was adjacent to the dwelling known as Hours. The stated purpose of infilling the cutting was to stabilise a bank in order to protect trees that were the subject of Tree Preservation Orders (TPO) imposed in

the 1980s. The cutting was one of a few remaining from the East Kent Light Railway that had carried coal from the winding-house at Singledge Lane to Guilford colliery. KCC's archaeology team and the Council's Heritage Officer had determined that, even in its current, eroded state, the cutting was a non-designated heritage asset.

At the time of the application, it had been for Officers to weigh up the balance between protecting TPO trees and preserving a non-designated heritage asset. However, a detailed tree survey had not been submitted with the application which would have allowed Officers to consider what trees were present and their condition, which ones were at risk and how many would be saved by the proposed infilling. Without this information it was impossible for Officers to assess how effective the proposal would be in protecting the trees. As a consequence, the balance had tipped towards preserving the railway cutting. The Council's Tree Officer had visited the site before the appeal was lodged and had requested further information about the trees from the applicant. However, the applicant had responded that a tree survey would be too costly and require too much work. Should the applicant now submit additional information, it would be for the Planning Inspector to take it into consideration when determining the appeal.

Councillor P D Jull commented that much of the old railway line was still visible, including the embankment which circled around Coldred Church. He proposed that the application would have been refused and supported the reasons for refusal set out in the report recommendation.

In response to Councillor R S Walkden, the Planning Officer advised that there were many non-designated heritage assets across the district which were modest yet believed to be sufficiently important that the National Planning Policy Framework (NPPF) required their potential loss to be considered carefully, and justified where this was proposed. Because the cutting was not well known or signposted did not undermine its status which had been determined by KCC's archaeology team and the Council's Heritage Officer. The case that would potentially tip the balance in favour of the application, and the evidence needed, had not been made. The only reasonable decision the LPA could make in the circumstances was to err on the side of caution. If the applicant's appeal was dismissed a fresh application could be submitted with the requisite information.

Councillor Bates advised that he had visited the site and it was evident that a number of trees had been felled. In his view it would be a shame to remove evidence of the cutting without further information. Councillor Biggs agreed that the lack of substantial information about the trees meant that the infilling of the cutting could not be justified. Councillor Bond commented that the site had been an area of natural vegetation for many years and, without the information needed, he was in favour of a cautious approach being taken.

The Planning Officer clarified that some ash trees had been removed from the site with permission. He also mentioned an additional reason for refusal that could be dealt with under delegated powers. This reason would make reference to the fact that insufficient information had been submitted with the application to demonstrate that the harm arising from the proposed infilling of the historic cutting would be outweighed by any overriding planning benefit, such as information to demonstrate any benefits associated with safeguarding the health and stability of trees along its route.

RESOLVED: (a) That Application No DOV/21/00311 would have been REFUSED

for the following reason: (i) The proposed infilling of the historic cutting would result in unjustified harm to a non-designated heritage asset through the loss of the legibility of a rare remaining section of cutting of the East Kent Light Railway and the local industrial heritage, without overriding justification. The proposal would fail to comply with Paragraph 197 of the National Planning Policy Framework (2019).

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

32 APPLICATION NO DOV/20/00510 - KARMA LEISURE LTD, ADRIAN STREET, DOVER

The Committee was shown a map, aerial views, drawings, plan and photographs of the application site which was located within the settlement confines of Dover, adjacent to the A20/A256 York Street junction. The Principal Planner advised that planning permission was sought for the erection of two buildings incorporating 29 flats and a home working hub. The existing building was to be demolished.

Members were advised that one further letter of objection had been received which raised no new material considerations beyond those set out in the report. In addition, a neighbour from Maritime House had come forward to advise that there was a flat on the top floor of the building. Following a visit and an assessment, it had come to light that the flat was predominantly served by windows facing the marina, with only two facing towards the application site, both of which served a hallway and one being obscure glazed. As such it was considered that the flat would not suffer an unacceptable loss of light, sense of enclosure or overlooking. The flat had access to a flat roof area which was apparently in use. Whilst this area would be overlooked by windows in the proposed development, the existing building also contained windows, albeit some of these were obscured and the building had not been in use for some time. It was therefore considered that the impact on the flat roof was not a ground that would warrant refusal. The occupant had raised several other concerns relating to surface water, air quality and the amount of glazing proposed. Whilst the first two were addressed in the report, the latter was not. The occupant's concern was that heat from the sun would be reflected towards the flat causing it to overheat in the summer. The majority of the glazing would be located further to the north-east, with only around six windows directly adjacent to the flat that could cause a degree of reflection. As such, it was considered unlikely that this would cause a noticeable effect on the flat.

The Committee was advised that there were three key areas for consideration, namely the impact on the character and appearance of the area and heritage assets, the viability of the scheme and archaeology. To the north of the site was a Grade II-listed church and listed buildings and a conservation area to the east, on the opposite side of the A20. The site comprised two parcels of land separated by an alleyway. The larger parcel of land containing the former nightclub building had received planning permission for a six-storey building in 2006 which had now expired. The scheme now presented to Members had been through several iterations in recognition that it was a prominent and important site in Dover. It had also been subject to a design review by a panel of 'experts' who had recommended that a bolder, simpler and more refined design should be adopted. In contrast to the Council's heritage team, the panel viewed the increased enclosure of the listed church in a positive light. Officers and the applicant had subsequently worked

together to amend the scheme in response to the panel's advice, including eliminating excessive areas of blank wall.

As part of the work done on the draft Local Plan, a viability review had been undertaken that had concluded that viability was constrained in much of Dover town and, consequently, affordable housing should not be sought from developments in this area. Nevertheless, as the draft Plan was still in its formative stages, the applicant had been asked to submit a viability assessment. A subsequent review by the Council's independent assessor had concluded that the development would not be able to support affordable housing or developer contributions.

Due to the previous history of the site, KCC had requested that archaeological works be carried out prior to the determination of the application. However, due to concerns that this would cause significant delay and would be difficult to fund, the applicant had held discussions with KCC in order to find an alternative solution. As a result, a mechanism had been imposed whereby archaeological works would take place post determination and, should the need to preserve remains in situ be incompatible with the development, its construction could be prevented.

The Principal Planner stressed that the development would make a substantial difference to the appearance of the site and its contribution to the character of this part of Dover. Officers were of the view that the visual impacts of the development were not wholly positive, and it was for Members to weigh these up. The visual harm caused by the site in its currently dilapidated state was an important factor in reaching the recommendation for approval. Whilst it was a finely balanced application, it was considered that the benefits of the development outweighed any disadvantages.

In response to Councillor Biggs, the Principal Planner clarified that there had been concerns that a narrow alleyway between the two proposed buildings would be dark and uninviting, with the potential to attract anti-social behaviour. The possibility of bringing the alleyway within the development site had been explored and discussions held with KCC. However, the cost and timescales involved were prohibitive. Steps had subsequently been taken to improve the alleyway's relationship to the buildings, including setting the walls at 45° and providing glass frontages. Whilst the design changes were not ideal, it was considered that the applicant had done all they could to improve this part of the scheme in the circumstances. He advised that it would be difficult to involve Members in the design review process which was relatively lengthy and costly. However, he accepted that the outcomes could have been better publicised.

In response to Councillor D G Cronk, the Principal Planner confirmed that the Council's Heritage Officer had been involved in the design review process. Whilst the views of the panel members and the Heritage Officer had differed on the enclosure of the church, it was for Committee members to reach their own conclusions based on the information set out in the report which recognised that it was a finely balanced decision. The design of the buildings had been toned down in order to achieve a more subtle scheme which would sit 'quietly' in a prominent location. He clarified that the home working hub would be for residents only. As a town centre development in a sustainable location, and with a car park nearby, KCC Highways had supported there being no parking provision within the development. Both buildings would have lifts and ground floor access so were suitable for disabled buyers.

In respect of affordable housing, the NPPF and Local Plan policies required Officers to consider whether a development could be constructed in such a way that there was 'headroom' left for the developer to contribute towards affordable housing. There were a number of abnormal obstacles to developing this particular site, including the potential diversion of a sewer and archaeology. These additional costs, together with the relatively low sale value of properties in Dover town centre, meant that there were no surplus monies for affordable housing contributions. He reminded Members that this was an issue that had been reviewed during the current Local Plan process.

Councillor Cronk commented that, in his view, the concerns about the church tipped the balance against the scheme. He was also concerned about disabled access and provision, and could not therefore support the proposal. Councillor Walkden stated that he had initially had concerns about the scheme but was now sufficiently reassured that he could support it. Councillor Bond referred to the fact that the site had previously received planning permission for a six-storey building which made it more difficult to refuse this application. In his view the increased enclosure of the church was not sufficient reason to refuse the application, particularly as it had a modern extension which meant its historical integrity was already compromised. However, he did have concerns about parking for churchgoers and future occupants of the development, querying whether a condition could be imposed to preclude future occupiers from applying for residents' parking permits.

The Principal Planner advised that the parking area for the church was within the ownership of the applicant; its availability for churchgoers in the future could not therefore be guaranteed. He emphasised that it was a relatively short walk from the application site to the public car park. In respect of attaching a condition restricting residents' access to parking permits, he advised that a condition was an enforcement against the land and not people and, as such, the one suggested was unlikely to meet planning tests. The Planning Solicitor agreed, adding that it would not be reasonable to impose such a condition when there was no such restriction on occupiers of other buildings in the vicinity, or a general limit imposed on permits by the Council, as far as he was aware.

Given that there were viability issues, Councillor Bates requested that a condition be added to prevent the home working hub being converted into a flat at some point in the future. The Principal Planner advised that such a condition could be included if Members thought it would make the proposal acceptable. In response to a query from Councillor O C de R Richardson, the Principal Planner advised that no energy-saving measures were proposed due to the viability of the scheme. In any case, measures such as ground-source heat pumps and solar panels could affect archaeological remains and have a detrimental visual impact.

RESOLVED: (a) That, subject to a Section 106 agreement to secure habitat mitigation (including a review mechanism to test viability), Application No DOV/20/00510 be APPROVED subject to the following conditions:

- (i) Standard time limits;
- (ii) Approved plans;
- (iii) Samples of materials;

- (iv) Full details of window frames, glazing bars and window reveals;
- (v) Details of fine detailing to the building, including but not limited to details of copings, railings to balconies, expansion joints, recessed brickwork, rainwater goods, fascias, eaves, etc;
- (vi) Details of any plant, vents, satellite dishes or antennas to be installed;
- (vii) Details of hard and soft landscaping;
- (viii) Details for the provision of double yellow lines to Adrian Street;
- (ix) Details of cycle parking;
- (x) Details of suitable facilities for refuse storage;
- (xi) Archaeological field evaluation, submission of post evaluation archaeological report including, as necessary, the details for the preservation in situ of archaeological remains and details of foundation design;
- (xii) Scheme for foul water drainage, including details of the precise alignment of the public sewer and measures to safeguard it or divert it, as necessary, together with a timetable for implementation;
- (xiii) Details of surface water drainage, including a timetable for its implementation;
- (xiv) Sound insulation scheme;
- (xv) Measures to address unsuspected contamination;
- (xvi) Unexploded ordinance;
- (xvii) Ecological enhancements;
- (xviii) Construction management plan.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and the Section 106 agreement, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

33 APPEALS AND INFORMAL HEARINGS

The Planning and Development Manager presented the report which set out details of the planning appeals determined during 2020/21 and the first quarter of 2021. As a correction to the report, he advised that 25% of appeals had been upheld during the first quarter of 2020/21. It was notable that, of the six appeals upheld during

2020/21, three had imposed conditions relating to permitted development rights. These were considered unnecessary by the relevant planning inspectors.

RESOLVED: That the report be noted.

34 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 8.09 pm.