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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 13 February 2014 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: J S Back
T A Bond
P M Brivio
B W Butcher
J A Cronk
B Gardner
K E Morris
R S Walkden
P M Wallace

Officers: Principal Planner (Development)
Senior Planner
Senior Planner
Solicitor to the Council
Democratic Support 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/13/00762	Mr Duncan Smyth	–
DOV/13/00941	Ms Louise Claringbould	Mr Stan Stores
DOV/13/00998	Miss Leanne Wood	–
DOV/13/00951	Mr Nigel Brown	Mr Bob Frost
DOV/13/00872	Mr Clive Tidmarsh	Mr Tim Syngne

488 APOLOGIES

It was noted that there were no apologies for absence.

489 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that no substitute members had been appointed.

490 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

491 MINUTES

Subject to the inclusion of Councillor R S Walkden as an attendee, the Minutes of the meeting held on 16 January 2014 were approved as a correct record and signed by the Chairman.

APPLICATION NO DOV/13/00762 - ERECTION OF AN ATTACHED GRANNY ANNEXE AND DETACHED GARAGE AT YEW TREE INN, BARFRESTONE, EYTHORNE, DOVER

The Committee viewed photographs and plans of the site. The Principal Planner advised that the proposal was for the erection of a granny annexe measuring 11 metres deep by 5.6 metres wide to the rear of a dwelling which had been converted from a public house in 2011. It was also proposed to erect a detached double garage measuring approximately 6.5 by 6.5 metres.

The Principal Planner advised Members that the site occupied a prominent, elevated location within a Conservation Area and was in close proximity to a Grade 1-listed church. The open character of the site was important to the setting of the Conservation Area, and contributed to the sense of undeveloped open space around the listed building. The proposed extension was considered to be oversized and would block views of the church which contributed significantly to the character of the Conservation Area. In essence, the proposed development would compete with, and detract from, the setting of the listed building.

Councillor B Gardner expressed sympathy with the applicant's desire to accommodate his elderly mother, but was not in favour of the application due to the size of the extension and inclusion of the garage. Councillor J A Cronk referred to material planning grounds, stating that the proposed development was outside the settlement confines and would have a detrimental impact on the church. Councillor K E Morris was of the opinion that the garage had been 'tacked' on to the application and was unrelated to the needs of the applicant's mother.

Councillors T A Bond and R S Walkden questioned from what distance the church could be seen when approaching the hamlet, and stated that they would support the inclusion of a garage if one had been there previously, as was indicated by the remains of a concrete base. Councillor Walkden added that, in his opinion, the harm that would be caused by the development was not so significant that it outweighed the need for the accommodation.

The Principal Planner clarified that there was no documentary evidence on the origins of the garage base which was likely to have been erected at a time when planning permission was not needed. In any case, the Committee was required to consider the application against current planning policies. It was explained that hedge screening was not normally considered to be an acceptable form of mitigation where a proposal would cause demonstrable harm. Furthermore, planting was only really effective in the summer months. It was accepted that the church could only be glimpsed from certain approaches, but these were important glimpses. In response to queries, it was confirmed that pre-application advice had not been sought by the applicant, and that the Council's Conservation Officer had supported the grounds for refusing the application.

RESOLVED: That Application No DOV/13/00762 be REFUSED on the following grounds:

- (a) The site is located within a rural area, outside any settlement confines, and within a conservation area. The proposed extension and garage, by virtue of their scale, design and siting, would be prominent and strident features which would detract from the intrinsic character and appearance of this rural and

historic area. They would neither preserve nor enhance the character or appearance of this part of the conservation area. As such, they would be contrary to Core Strategy policies DM1 and DM15 and the aims of the National Planning Policy Framework which seek developments of high quality design and the conservation and enhancement of historic environments.

- (b) The proposed extension and garage would, by virtue of their scale, design and siting, be a substantial and unacceptable encroachment of built development towards the adjoining churchyard. They would be visually prominent and, as such, would detract from the setting of the adjacent Grade 1-listed church building, contrary to the aim of protecting heritage assets as required under the National Planning Policy Framework.
- (c) No information has been submitted to justify an annexe extension of the location, design and scale proposed which might outweigh the harm identified to the character and appearance of the area and the setting of the adjacent Grade 1-listed building. The proposals are therefore contrary to policy DM9 of the Core Strategy.

493 APPLICATION NO DOV/13/00941 - RETROSPECTIVE APPLICATION FOR THE CREATION OF A SAND SCHOOL AND RE-SURFACING OF EXISTING ACCESS AT OWL HOUSE STABLES, STATION ROAD, ST MARGARET'S-AT-CLIFFE, DOVER

Members were shown photographs and plans of the site. The Senior Planner advised that the application was a retrospective one for the creation of a 22-metre by 40-metre sand school and the resurfacing of existing access. Although the site was outside the rural settlement confines, the school was ancillary to the existing business, required a rural location and was not inconsistent with the types of developments found in rural locations. The site was well screened and there would therefore be no visual impact on the wider landscape. Furthermore, given the distance of 'Pauldene' from the sand school, and the size of its garden, it was considered that the proposal would not be detrimental to the residential amenity of the neighbouring property. However, the hours of use described by the applicant and reproduced in the report contradicted those given by a neighbour.

Councillor Morris stated that the proposal was worthwhile, but a balance needed to be struck in order to preserve the residential amenity of the occupants of 'Pauldene'. Councillor Gardner suggested that a condition should be added to specify the hours of use permitted and the condition relating to floodlighting tightened up. The Senior Planner advised Members that conditioning specific hours of use might be considered unreasonable given that there was a requirement within the National Planning Policy Framework (NPPF) to support a prosperous rural economy. However, several Members agreed that it was important to condition the hours of use in order to mitigate the impact on the neighbouring property.

Discussions followed about the possible re-location of the sand school within the site which would obviate the need to condition the hours of use. However, the Senior Planner advised that, as a retrospective application, this was not an option and would have cost implications for the school. Planners had had no input in to the location of the sand school, first learning of it from Planning Enforcement officers investigating a reported breach of planning control. On screening, Members were advised that it would be difficult to enforce a condition which specified a minimum height requirement. However, a landscaping plan could be required to indicate what additional planting was proposed and what screening would be retained.

RESOLVED: (a) That Application No DOV/13/00941 be APPROVED, subject to the following conditions:

- (i) Standard time limit;
- (ii) Development to be carried out in accordance with approved plans;
- (iii) No floodlighting to be installed or brought onto the site, whether permanent or temporary;
- (iv) Hours of use to be limited to 4 hours on weekdays and 3 hours on Saturdays and Sundays, a schedule of use to be agreed by Officers with the applicant in consultation with the Chairman of the Planning Committee;
- (v) Submission of a Landscaping Plan indicating screening to be retained and additional planting.

(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.

494 APPLICATION NO DOV/13/01007 - ERECTION OF 20 BEACH HUTS ON LAND AT THE STRAND, WALMER

Members viewed photographs and plans, and were advised by the Senior Planner that the proposal related to the erection of twenty 3-metre high beach huts measuring 2.1 by 2.6 metres. The huts would be of a similar design to the existing huts and would be arranged at random in relation to them. Whilst the site formed part of a designated open space, it had not always been used for that purpose, and it was therefore considered that there would be no tangible loss of open space.

Several Members raised concerns about the Portaloo, the impact on parking and the random layout proposed for the huts. Members were advised that the toilet would be small in scale, covered in timber cladding and access keys would be issued to tenants. It would be emptied by the supplier, with routine maintenance carried out by a company appointed by Dover District Council. It was suggested that the proposed layout of the huts might have been influenced by the wish to retain views of the sea, and by the layout of existing huts and other associated

paraphernalia on the seafront. Kent Highways and Transportation had not commented on parking, but in Officers' opinion it was likely that prospective tenants were already using the beach on a regular basis so a significant increase in traffic and parking need was not envisaged.

Councillor Butcher was of the opinion that the Committee could not make an informed decision as there was insufficient information in the report on the Portaloo and parking. Councillor Gardner added that the Committee must be especially scrupulous when determining the application as it had been submitted by its own authority.

RESOLVED: That Application No DOV/13/001007 be DEFERRED on the following grounds:

- (a) To receive further information on the siting, scale, maintenance and usage of the Portaloo;
- (b) To receive further information on parking, including potential impact, and outline details of where waiting list applicants reside.

495 APPLICATION NO DOV/13/00998 - RETROSPECTIVE APPLICATION FOR THE ERECTION OF A TIMBER CABIN TO BE USED AS A SHOP (USE CLASS A1) AT DELF NURSERY, DEAL ROAD, SANDWICH

The Committee viewed photographs of the site. The Principal Planner advised that the application related to the siting of a 4.5 by 2.4-metre timber cabin on a concrete apron at Delf Nursery. A previous, identical application had been refused by Officers using delegated powers. It was clarified that comments had been received from Sandwich Town Council in time for the report and it fully supported the application.

The Principal Planner advised that the previous application had been assessed and refused purely on policy grounds. In respect of Core Strategy policy DM1, no evidence had been submitted as to why the business functionally required a rural location which would justify development outside urban confines. Furthermore, the sale of second-hand clothes could not be considered as ancillary to the nursery or its associated business activities. With regards to Core Strategy policy DM3, no evidence had been presented to demonstrate that no suitable site existed within the confines of Sandwich. The NPPF supported businesses and sustainable development in rural areas but, in the case of local shops, suggested that these be located in villages. In policy terms, the proposal before Committee would be more appropriately located in Sandwich town centre. No objections had been raised to the application on highways or landscaping grounds.

Notwithstanding the policy issues, Members' attention was brought to the statement in the application submission which indicated that the applicant was a highly motivated 17-year-old who had invested her entire savings into the proposal. On this basis, it was understood that refusal of the application could result in a significant financial loss for the applicant. Personal hardship associated with financial loss was capable of being a material planning consideration, although it was not usual practice to attach any significant weight to it such as to override normal planning policies. Accordingly, such a course was not recommended in this case.

Councillor Butcher stated that he strongly supported the development which was a small retail outlet that enhanced the site. The application had attracted several letters of support and Sandwich Town Council had voted unanimously in favour of it. It was recognised that the development was outside the town confines but, rather than taking trade away from the town centre, it was more likely to encourage people to visit it.

Councillors Gardner and Morris stressed that, if planning permission were granted, it should not set a precedent for other development on the site. Councillor Morris suggested that, given that the applicant was closely related to the nursery owners, it was unlikely that she would be able to find another site so readily at a reasonable rent within the town confines. Councillor Bond was of the view that the proposed business was complementary to the nursery's activities, and the building was modest in size and in character with others at the site.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/13/00998 be APPROVED on the following grounds:

- (i) The personal circumstances of the applicant who has developed a start-up business which will bring economic benefits to Sandwich;
 - (ii) The personal financial hardship that would be caused to the applicant by refusal of planning permission;
 - (iii) The small-scale nature of the proposed business.
- (b) Informative: The permission hereby given stems from the personal circumstances of the applicant and does not commit the Council to the favourable consideration of any other retail proposal at the site, which is outside the town of Sandwich in a location where retail planning policies normally prohibit such uses.

496 ADJOURNMENT OF MEETING

It was agreed to adjourn the meeting at 8.10 pm for a short break. The Committee reconvened at 8.14 pm.

497 APPLICATION NO DOV/13/00951- ERECTION OF A DETACHED DWELLING - LAND ADJACENT TO 51 CHURCH PATH, DEAL

The Committee viewed photographs of the site. The Senior Planner advised that the proposal was for one two-storey dwelling on a site which had been the subject of a number of applications that had either been refused or dismissed at appeal. A number of public representations had been received. Those supporting the application referred to the site as an eyesore and stated that development of the site would enhance the area.

The Committee was informed that historic issues associated with the site included the lack of parking, the impact of development on a tree which was the subject of a

Tree Preservation Order (TPO) and its location within a Flood Zone 3 area. However, parking was no longer relevant since the Inspector, at the most recent appeal, had raised no concerns relating to parking for the two dwellings proposed. In addition, Kent Highways and Transportation had raised no objections to the current application on parking or traffic grounds. The dwelling would no longer have an impact on the TPO tree as only one dwelling was proposed which would stand at some distance from the tree. Furthermore, the applicant had submitted evidence that a search had been carried out to check the availability of other sites at lower risk of flooding which had enabled the Local Planning Authority to undertake a Sequential Test. The application now passed the Sequential Test.

Councillor Cronk indicated his support for the application now that parking and access were no longer an issue. The development would greatly improve an unsightly area. Councillor Gardner also indicated his support for the application but requested that condition (iii) be tightened up to ensure that the tree was protected. However, Councillor F J W Scales advised that the tree would be adequately protected by virtue of being subject to a TPO.

RESOLVED: (a) That Application No DOV/13/00951 be APPROVED, subject to the following conditions:

- (i) Standard time limit;
- (ii) Approved plans;
- (iii) Tree Protection measures (if necessary);
- (iv) Cycle provision;
- (v) Flood-proofing measures;
- (vi) Floor levels;
- (vii) Surface water drainage scheme;
- (viii) Construction Management Plan;
- (ix) Material samples;
- (x) Soft and hard landscaping details;
- (xi) Boundary treatment.

(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 Planning Committee.

498 APPLICATION NO DOV/13/00872 - ERECTION OF A DETACHED DWELLING, CONSTRUCTION OF A VEHICULAR ACCESS AND ERECTION OF A REPLACEMENT GARAGE FOR SWANNINGTON - LAND FRONTING SWANNINGTON, CHURCH CLIFF, KINGSDOWN

The Committee was shown photographs of the site which was the subject of an application to erect a dwelling and garage in the front garden of an existing dwelling known as Swannington. A previous application for outline planning permission had been refused in 2007 on the grounds that the proposal would be detrimental to the setting of the nearby church, and the wider setting and character of the adjacent Conservation Area.

Councillor Cronk agreed that the proposed dwelling would overshadow the church and have a detrimental impact on the Conservation Area. Councillor Gardner stated that the applicant had not addressed the previous reasons for refusal and the application should therefore be refused.

RESOLVED: That Application No DOV/13/00872 be REFUSED on the following ground:

The proposal, by way of its size, design, siting and close relationship with St John's Church, would result in the loss of an important open space and would have a detrimental impact on the setting of the Conservation Area (a designated heritage asset) and on the setting of St John's Church (a non-designated heritage asset). As such, the proposal would be contrary to the National Planning Policy Framework.

499 APPEALS AND INFORMAL HEARINGS

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

500 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 8.55 pm.