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26 May 2021

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 27 May 2021 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-10)

To confirm the attached minutes of the meeting of the Committee held on 22 April 2021.

Yours sincerely


Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held remotely on Thursday, 22 April 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
O C de R Richardson
H M Williams
C F Woodgate

Officers: Principal Planner
Principal Planner
Principal Planner
Senior Planner
Senior Planner
Planning Officer
Planning Consultant
Planning Solicitor
Democratic and Corporate 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/20/01520	-----	Mrs Vicki Wright
DOV/20/00663	Mr and Mrs Michael Innes	Mr John Parsons
DOV/20/00717	Mr Keith Beavers	-----
DOV/20/01002	Mr Ian Horswell	-----
DOV/20/01200	Mr Richard Baron	Ms Eloise Marshall
DOV/20/01236 & 01220	Mr Simon Bareham	Councillor M J Holloway Mrs J Simmons

116 APOLOGIES

It was noted that there were no apologies for absence.

117 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

118 DECLARATIONS OF INTEREST

Councillor T A Bond declared an Other Significant Interest in Agenda Item 10 (Application Nos DOV/20/01236 and DOV/20/01220 – Dover Marina Curve Phases 1A and 1B, Dover Harbour) by reason that he was a business consultant for a nearby hotel and his wife was an independent swimming coach.

119 MINUTES

Subject to the recording of apologies from Councillor D G Beaney and the addition of Councillor M D Conolly as a substitute member, the minutes of the meeting held on 25 March 2021 were approved as a correct record and signed by the Chairman.

120 APPLICATION NO DOV/20/01520 - LAND AT 16 PARK AVENUE, DOVER

The Committee was shown plans and photographs of the application site which was to the north of Dover town centre. The Planning Consultant advised that the application sought planning permission for a change of use of a House of Multiple Occupation (HMO) from nine to ten bedsitting rooms, accommodating up to fifteen people. As a correction to the report, he advised that paragraph 1.9 should refer to 19 persons rather than bedrooms.

Members were advised that the extra bedsitting room would be achieved by converting a kitchen into a one-person bedroom. The house had been in use as an HMO since at least 2008, and was currently licensed to accommodate up to eighteen persons. However, the applicant had confirmed that there would be a maximum number of fifteen persons living in the building after the conversion. The Council did not currently have a policy on HMOs. However, the draft Local Plan and Housing Topic Paper that accompanied it set out the Council's preferred approach of having a criteria-based policy rather than a limit on the number of HMOs in a particular area. The Environmental Health team had confirmed that there had been no incidences of anti-social behaviour reported at this HMO or another owned by the applicant.

In response to Councillor R S Walkden who raised concerns about the street's lack of on-street parking, the Planning Consultant advised that parking was not considered to be a highway safety issue since there could potentially be a reduction in the demand for on-street parking spaces with the reduction in the number of people occupying the property. In response to Members' queries, he confirmed that a condition or an informative could be attached if Members wished with regards to comments made by Kent Police about Secured by Design. He advised that there was no disabled access to the ground floor.

RESOLVED: (a) That Application No DOV/20/01520 be APPROVED subject to the following conditions:

- (i) The layout of the building to be in accordance with the submitted drawings;
- (ii) The use of the building to be limited to up to 15 persons at any one time;
- (iii) The side/rear garden of the site to accommodate the provision of cycle, refuse and recycling facilities.

(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.

Informative: Secured by Design

121 APPLICATION NO DOV/20/00663 - TEAL HOUSE, 7 MILL RACE, RIVER

Members viewed drawings, plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a single storey side extension. As a correction to the report, she advised that the occupants of 3 Mill Race also used the private road. She confirmed that the extension would be 23 metres from the nearest neighbouring property, and be constructed of materials that matched those of the host property. In response to a suggestion made by Councillor H M Williams, the Planning Officer confirmed that a construction management plan could be required by condition.

RESOLVED: (a) That Application No DOV/20/00663 be APPROVED subject to the following conditions:

- (i) 3-year time limit for commencement;
- (ii) Compliance with the approved plans;
- (iii) Unknown contamination;
- (iv) Construction management plan;
- (v) Extension to be used as ancillary accommodation to Teal House, 7 Mill Row.

(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.

122 APPLICATION NO DOV/20/00717 - LAND REAR OF 114 CANTERBURY ROAD, LYDDEN

The Committee was shown drawings, plans and photographs of the application site which was within the settlement confines of Lydden. The Senior Planner advised that the application sought to vary conditions attached to full planning permission that had been granted in 2016 to redevelop the site with 31 dwellings. Whilst the applicant was seeking changes to the scheme, the layout would remain unaltered. The principal changes included increases and decreases in land/floor levels, the repositioning of a balcony and changes to fenestration and materials. The applicant had also submitted details of surface water drainage, demonstrating that surface water would be drained from the site in a controlled way, such that it would not increase the risk of localised flooding elsewhere. The plans had been approved by the Environment Agency and Southern Water. Concerns had been raised by local residents about the overall height of the dwellings and their effect on the residential amenity of neighbouring occupiers. However, the changes sought were minor, and it was considered that they would not cause undue harm to the visual appearance of the development nor adversely impact on the residential amenities of local residents.

In response to Councillor D G Beaney, the Senior Planner advised that there would be an increase in the height of the dwellings that were the subject of the application of 5 centimetres. Councillor Williams remarked that landscaping plans had not yet been submitted for phase two of the development, and requested that Officers take

the opportunity to specify that two trees per dwelling would be required. The Principal Planner clarified that there was an outstanding landscaping condition. Whilst it would not be reasonable to add a new condition, Members could add an informative in relation to the outstanding condition as it had yet to be discharged.

RESOLVED: (a) That Application No DOV/20/00717 be APPROVED subject to the following conditions:

- (i) Time period;
- (ii) In accordance with approved plans;
- (iii) Materials;
- (iv) Landscaping;
- (v) Prior to first occupation, a timetable for the provision of all roads, footpaths, manoeuvring areas and parking areas to be submitted and approved;
- (vi) Bicycle storage;
- (vii) Visibility splays;
- (viii) Surface water drainage;
- (ix) Foul surface water;
- (x) Gas monitoring;
- (xi) Removal of permitted development rights within Part 1, Classes A, B and C;
- (xii) No additional windows;
- (xiii) Contamination;
- (xiv) Biodiversity enhancements;
- (xv) Badger mitigations;
- (xvi) External lighting;
- (xvii) Refuse storage.

(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.

Informative: The provision of two trees per dwelling in phase 2

Members were shown drawings, plans and photographs of the application site which was adjacent to a conservation area and opposite a listed barn. The Senior Planner advised that the application sought a change of use and the conversion of a single storey building into a two-storey dwelling.

The Committee was advised that the area surrounding the site was agrarian and open in character. The existing building did not compete with the listed barn opposite which was classed as a heritage asset. The Planning (Listed Buildings and Conservation Area) Act 1990 required that the Local Planning Authority (LPA) should have special regard to the desirability of preserving the setting of a listed building. Whilst there was extant planning permission for the conversion of the existing building to a single storey dwelling, the proposal under consideration was for a two-storey dwelling that would be much higher and more prominent than the one previously approved, thus competing with the listed building in terms of visual impact. Furthermore, the proposed curtilage would be significantly larger than the one proposed under the previous scheme. In assessing the application, consideration had been given to whether the proposal was a genuine conversion. Given the substantial level of works required for the erection of a two-storey dwelling, Officers had concluded that the proposal would be a rebuild rather than a conversion. The Council's Heritage Officer had raised objections to the application, advising that the proposal would cause less than substantial harm, with no overriding benefits to overcome the harm. In summary, the design was considered inappropriate in a sensitive location, out of keeping with the character of the area, and would cause harm to the appearance of the countryside and a listed building. For these reasons, refusal was recommended.

Councillor C F Woodgate questioned why the application was before the Committee. The proposal would negatively affect the rural setting and should be refused in his opinion. The Principal Planner advised that the application had been called in by a Member who, under the Constitution, was entitled to call in an application on material planning grounds. The reasons given had been that the Officer's views on the proposal's impact on the listed building and landscape were subjective. The Democratic Services Officer added that Members were required to give written reasons when calling in an application. In response to Councillor E A Biggs, the Senior Planner reported that the applicants had been advised to withdraw and resubmit an amended application on the basis that the proposal was unlikely to be approved. They had chosen not to do so. She added that there was no scope for screening along the western or southern boundaries.

Councillor M Bates pointed out that there appeared to be no local objections to the proposal. He also queried why two representations, including one from Tilmanstone Parish Council, in support of the proposal had not been referred to in the report. The Senior Planner apologised that these comments had been omitted. Councillors Bates and Beaney indicated that they were minded to support the proposal. Councillor Williams disagreed, stating that approval could set a precedent for demolishing agricultural buildings and replacing them with unsympathetic dwellings.

RESOLVED: (a) That Application No DOV/20/01002 be REFUSED on the following grounds:

- (i) The proposal would result in an overtly domestic form of development within a rural location which would appear as an incongruous and intrusive feature, detrimental to the rural character and appearance of the countryside and the wider landscape, contrary to policies DM15 and DM16 of the Dover

District Core Strategy and paragraphs 127, 130 and 170 of the National Planning Policy Framework.

- (ii) By virtue of the scale, design and massing of the proposed dwelling, it would have a detrimental impact on the setting of the adjacent Grade II listed buildings causing harm to their historic and architectural character and appearance. It would lead to less than substantial harm to the significance of the designated heritage asset for which no overriding justification (public benefits) has been presented, contrary to paragraphs 192, 193, 194 and 196 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.

124 APPLICATION NO DOV/20/01200 - LAND ADJOINING SUNHOLLOW, GORE LANE, EASTRY

The Committee viewed an aerial view, drawings, plans and photographs of the application site which was outside the settlement confines of Eastry. The Principal Planner advised that the application sought planning permission for the erection of four dwellings in two semi-detached blocks. As an update to the report, he advised that the report contained errors in paragraphs 2.51 and 2.55. A condition relating to car parking, electric vehicle charging points and a turning circle had also been omitted in error.

In respect of the site being outside the settlement confines, Members were advised that land to the west of the application site had been proposed for allocation within the draft Local Plan, under policy SA1 for the development of 35 dwellings. As a result, the Eastry settlement boundary might need to be redrawn, and the application site could be encompassed within it at some point in the future. Whilst the Local Plan was going through the first stage of consultation and therefore carried limited weight at this stage, the allocations policy was a material consideration. Another material consideration was a previous application that had been refused and dismissed at appeal. The appeal had been dismissed due to the details of the proposal, including design, means of enclosure and the impact on the belt of trees that separated the site from the countryside. However, the Planning Inspector (PI) had concluded that the location of the site was suitable for housing. Although the current proposal was similar to the scheme previously refused, a number of design changes (including the removal of a crown roof and double height glazed aperture) had been made which, in light of the PI's comments, meant that the proposal was being recommended for approval.

The Principal Planner referred Members to the report which set out the considerations relating to the LPA's policies and their importance in determining the application. In summary, Policy DM1, which sought to prevent development outside settlement confines, was considered to be out-of-date due to the need to deliver more houses per annum than was the case when the Core Strategy was adopted in 2010. It therefore carried limited weight. Policy DM11 sought to resist development that would generate a need to travel. In this regard, as a site that was only a short distance outside the confines, it was likely that residents of the development would be able to walk to reach the facilities and services of Eastry. A refusal on this basis would therefore be difficult to defend. It was the case that the proposal was

contrary to Policy DM15 which sought to protect the countryside. However, in respect of Policy DM16 (harm to the character of the landscape), it was no longer considered that the proposal would harm the character of the landscape given the PI's comments about the suitability of the site for housing, together with the amended designs and suitable landscaping conditions. With paragraph 11 of the National Planning Policy Framework and the presumption in favour of sustainable development engaged, it was considered that the adverse effects of the proposal were outweighed by its benefits and approval was therefore recommended.

In response to Councillor Biggs, it was clarified that there was a condition that would ensure that the trees forming the western boundary of the site would be protected, with a requirement to seek permission from the LPA should future works to them be proposed. Removing soil deposited on the roots as a result of the Gore Lane development should help to rehabilitate them. Were the trees to fail in future, Officers could look at including additional planting in the landscaping scheme. Councillor Bates raised concerns about access, particularly for emergency vehicles and dustcarts. The Principal Planner confirmed that a fire engine would be able to access the site. However, he recognised more generally that access could be a problem if the turning circle was blocked by parked vehicles and undertook to word the relevant condition accordingly. He confirmed that there was sufficient space for two cars per dwelling. There would be a two-metre visibility strip along the Selson Lane frontage which would give adequate visibility in both directions. Vehicles travelling past the site would be close to the junction with Gore Lane so were likely to be travelling at a reduced speed.

Councillor T A Bond raised concerns about the lack of visitor parking and the narrow lane. In his view there had to be a good case for building outside the settlement confines and he saw no justification for doing so. The harm to the character of the countryside and the loss of an informal recreation area meant that he could not support the proposal.

RESOLVED: (a) That Application No DOV/20/01200 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Plans;
- (iii) Materials;
- (iv) Hard and soft landscaping, schedule of planting, means of enclosure, gates;
- (v) Land contamination;
- (vi) Earthworks, contours;
- (vii) Removal off-site of excess spoil: existing and resulting from development hereby permitted;
- (viii) Sections, thresholds;
- (ix) Foul and surface water drainage scheme;
- (x) No surface water discharge onto highway;

- (xi) Bound surface – first 5 metres from road;
- (xii) 2-metre deep visibility strip – Selson Lane frontage;
- (xiii) Bicycle parking;
- (xiv) Refuse storage;
- (xv) Obscure glazing – first-floor window elevation;
- (xvi) Arboricultural method statement including tree protection;
- (xvii) No further works to trees without written agreement from the Local Planning Authority;
- (xviii) Biodiversity enhancement plan;
- (xix) Permitted development restrictions, classes A, B, C and E;
- (xx) Archaeology
- (xxi) Construction environmental management plan;
- (xxii) Car parking, electric vehicle charging points and turning circle.

(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.

125 APPLICATION NOS DOV/20/01236 & DOV/20/01220 - DOVER MARINA CURVE PHASES 1A AND 1B, DOVER HARBOUR

The Committee viewed an aerial view, CGI images, drawings, plans and photographs of the application sites and proposals. The Principal Planner advised that planning permission was sought for the erection of five motel buildings, a reception building and two other buildings, along with the erection of a mixed-use development comprising a swimming-pool, restaurant and bar. Whilst there were two separate applications, they essentially amounted to one project and should be considered side by side. Since the reports had been published, one further representation had been received, supporting both schemes as offering something positive for Dover.

The Committee was advised that the proposals were on adjacent sites, with layouts designed to guide pedestrians from the clock tower through the marina. The commercial and leisure proposal was adjacent to the Clock Tower square and the motel site extended to the east beyond the square. The motel would comprise five blocks and be made of shipping containers, a relatively quick form of construction used successfully elsewhere to create lively recreational zones in waterside settings. The proposals constituted an investment of around £80 million and would create 60 jobs.

Councillor Biggs welcomed the proposals for the reception and bar area which looked distinct and vibrant. However, he expressed concerns about the design of the motel. He liked the concept of using shipping containers and was aware of similar developments elsewhere. Nevertheless, the visuals shown to Members were disappointing and looked inferior to similar schemes he had seen. Councillor Beaney agreed about the disappointing design of the motel, adding that visitors were unlikely to stay for long periods when the rooms were so small. He proposed that the applications should be deferred due to the motel's design and lack of public consultation. Councillor Bates commented that, whilst he was not against the concept of using shipping containers, what was needed at the marina was an imaginative, high quality scheme that would encourage visitors to stay for long periods. He was disappointed at the lack of public consultation, and wanted to see the people of Dover play an active part in contributing to the design of the project.

The Principal Planner accepted that the concept behind the applications needed revisiting. He recognised that the scheme needed to be innovative but to respect local character at the same time. A deferral would allow the LPA and the developers to do further work in respect of public consultation.

RESOLVED: That, notwithstanding the Officer's recommendation, Application Nos DOV/20/01236 and DOV/20/01220 be DEFERRED pending amendments to design and further public consultation.

(Councillor T A Bond left the meeting during consideration of this item.)

126 APPEALS AND INFORMAL HEARINGS

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

127 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 9.00 pm.