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14 September 2021

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 16 September 2021 at 6.00 pm, the following report that was unavailable when the agenda was printed.

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

To confirm the minutes of the meeting of the Committee held on 12 August 2021 (attached).

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 12 August 2021 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
D G Beaney
T A Bond
P M Brivio
D G Cronk
P D Jull
C A Vinson
C F Woodgate

Officers: Principal Planner
Principal Planner
Planning Officer
Planning Consultant
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/21/00409	Mr Thomas Johnstone	-----
DOV/20/01237	Mr Alex Richards	Ms Mandy Abbott
DOV/20/00644	Mr Patrick Jeans	Mr Scott Elliston

35 APOLOGIES

It was noted that apologies for absence had been received from Councillors E A Biggs and D A Hawkes.

36 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors P M Brivio and C A Vinson had been appointed as substitute members for Councillors E A Biggs and D A Hawkes respectively.

37 DECLARATIONS OF INTEREST

There were no declarations of interest.

38 ITEMS DEFERRED

The Chairman advised that the applications listed remained deferred.

39 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised that Application No DOV/21/00614 (Meadows Caravan Site, Alkham Valley Road, Alkham) had been withdrawn from the agenda and would not be considered at the meeting.

40 APPLICATION NO DOV/21/00409 - 11 CHERRY BLOSSOM WAY, AYLESHAM

The Committee was shown a plan and photographs of the application site. The Planning Consultant advised that the application sought permission to enclose an area of open grassed amenity land which was owned by the applicant within the garden of the application property. The proposed form of enclosure would comprise a fence on top of a brick retaining wall. As an update, it was reported that a further letter had been received, re-emphasising the reasons for objecting but raising no new matters.

The Planning Consultant advised that the property was situated in a residential development which formed part of the planned expansion of Aylesham and, as such, had been subject to masterplan and public realm exercises, with the objective of creating spaces and adding to the visual amenity of the estate. The view of Officers was that the proposal would erode the visual quality and appearance of the street scene, and detract from the open character of the estate.

In response to a query from Councillor P M Brivio, it was confirmed that the amenity land was owned by the applicant and its maintenance was therefore his responsibility. That being said, the Council retained some control over other verges and public realm areas through conditions attached to the planning permission related to the landscape management plan. It was clarified that the applicant was free to submit a proposal to enclose the land, and any covenant attached to the land by the developer was a private agreement and therefore outside the planning system. In response to Councillor M Bates, it was confirmed that Kent County Council (KCC) Highways had not been consulted as the property was in a cul-de-sac serving only four properties and traffic flow would therefore be relatively light.

Councillor P D Jull commented that there was no public need for the amenity land, and the proposal would improve visual amenity and cause no harm to highway safety. He therefore proposed that the application should be approved. Councillor T A Bond agreed, adding that the proposed wall with a fence on top would look better than the existing fence. In response to Councillor C A Vinson, the Planning Consultant clarified that the area that was the subject of the application and other areas within the street scene were subject to controls imposed by planning conditions and the Section 106 agreement. In addition, they were subject to the landscape management and public realm plans submitted with the original planning application. Regardless of who owned the land, planning permission was required as the application site was not within the curtilage of the applicant's property. Councillor Vinson commented that it was an enforcement matter if the applicant was not maintaining the land. In his view, the removal of such a large piece of land from the street scene would detract from the open character of the area.

The Planning Consultant referred to paragraph 2.5 of the report and the fact that granting permission for the proposal could potentially set a precedent for other applications to come forward which, if approved, would lead to a gradual erosion of these public areas, and the objectives behind their planning and design. The Planning Solicitor advised that precedent was capable of being a material consideration. The courts had previously indicated that there would need to be more than just a fear of a proliferation of applications arising from granting planning permission for an application. Whilst the report indicated that there was insufficient

weight against the proposal to necessarily merit a refusal, Members should consider the issue of precedent.

It was proposed by Councillor P D Jull and duly seconded that Application No DOV/21/00409 be APPROVED on the grounds that it would not cause an unacceptable impact on the street scene.

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

(A further vote was conducted to approve conditions and the use of delegated powers.)

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/21/00409 be APPROVED on the grounds that the development would not cause harm to the visual amenity of the area and was acceptable in planning terms, and subject to the following conditions:

- (i) 3-year commencement;
- (ii) Built in accordance with drawings.

(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.

41 APPLICATION NO DOV/20/01237 - SITE ADJACENT TO GRAHAM PLUMBERS' MERCHANTS, CONSTRUCTION HOUSE, COOMBE VALLEY ROAD, DOVER

Members viewed drawings, plans and photographs of the application site which was situated to the rear of a former plumbers' merchants at the junction of London Road and Coombe Valley Road. The Principal Planner advised that planning permission was sought to demolish all the existing buildings and to erect a four-storey building incorporating 40 flats.

As an update to the report, the Principal Planner advised that an additional representation had been received referring to a party wall agreement. He also corrected an error at paragraph 2.14 of the report which referred to houses being on the west side of the road when they were on the east. More significantly, he reported that, since the report was written, the Council had published updated figures for the number of houses that needed to be delivered in the district each year, as well as revised figures for its five-year housing land supply. The housing need had fallen from 596 dwellings per year to 557. The district's housing land supply had increased from 5.39 years to 5.56 years. He confirmed that the housing delivery test figure remained at 80%. Whilst the figures in the report were now out of date, the revised figures did not alter the tilted balance or materially change Officers' assessment of the application.

Members were informed that the site was previously developed land within the urban confines and, as such, its re-use was encouraged by government policies. The proposal was regarded as an opportunity to make a significant improvement to the street scene in this area. The building would be situated in the western part of the site, with access and parking in the eastern part. One of the principal issues for consideration was the impact on residential amenity, particularly for residents in

Victoria Street. In this regard, design changes had been made to windows on that side of the building. Although no viability assessment had been submitted, the applicant had asked for a reduced level of developer contributions to be applied, citing the background evidence prepared by the Council for the emerging Local Plan. This evidence concluded that viability levels for residential development within the town were such that they were unlikely to be able to support developer contributions at a level that would normally be expected. Referring to the wider objective of regenerating Coombe Valley, the applicant was seeking a reduction in developer contributions as a whole and not just in relation to affordable housing. Whilst it was unusual not to request a viability assessment, Offices were mindful that insisting on a full assessment could lead to a lower level of contributions than those offered by the developer, or none at all.

In response to Councillor D G Cronk, the Principal Planner clarified that there would be 28 parking spaces, allocated to each two-bedroom flat. Allocations could be varied if necessary to make full use of the spaces but, ultimately, this was an issue for the management company. There would be at least one and possibly two disabled parking spaces, and the applicant had advised that the building would be fully accessible to disabled residents. He clarified that the wider site had been split into two separate plots for sale. Whilst the retail unit had a legal right of access over part of the site, the area was too small to accommodate articulated lorries. However, the applicant was offering a larger area of access which would accommodate all but articulated lorries, and it was therefore an improvement. Ultimately it was for the retail unit to manage its deliveries accordingly.

Councillor Bond expressed concerns about the loss of light for properties in Victoria Street, and the lack of on-street parking for a development that did not have sufficient parking spaces. The absence of a viability assessment to support a reduced level of developer contributions was also a concern. In his view, such a tall building could be seen as an overdevelopment of the site. The Principal Planner accepted that there would be some loss of light for the Victoria Street properties in the morning. Considerations relating to the building's height and scale were set out in paragraph 2.22 of the report. Core Strategy Policy DM13 indicated that a pragmatic approach should be taken to parking provision, and the National Planning Policy Framework (NPPF) encouraged a site-specific approach to be taken. Given the site's proximity to bus routes and that it was within walking distance of the town's main facilities, the level of parking provision was considered acceptable to Officers and KCC Highways. He reiterated the view that asking the developer to submit a viability assessment would cost money and potentially affect the scheme detrimentally. Detailed negotiations and discussions had taken place with KCC and the Council's planning policy team about the reduced level of contributions offered. Whilst disappointing, Members should weigh up the benefits of getting the site developed and its contribution to the regeneration of the Coombe Valley area against the absence of a full viability assessment that could reduce the level of contributions.

RESOLVED: (a) That, subject to satisfactory completion of a Section 106 agreement to secure developer contributions as set out in the report, Application No DOV/20/01237 be APPROVED subject to the following conditions:

- (i) Standard commencement;
- (ii) Approved plans;

- (iii) Submission of external materials;
- (iv) Submission and implementation of landscaping scheme (including the provision of trees);
- (v) Provision of car parking;
- (vi) Provision of cycle parking;
- (vii) Closure of existing accesses;
- (viii) Provision of new access, including vision splays and turning facilities;
- (ix) Surfacing and drainage of internal access road;
- (x) Measures to restrict parking on internal access road;
- (xi) Electric vehicle charging points;
- (xii) Submission of foul drainage details;
- (xiii) Submission of surface water drainage scheme (following demolition/site clearance);
- (xiv) Verification report for drainage scheme;
- (xv) Investigation of contamination;
- (xvi) Submission and implementation of contamination remediation scheme;
- (xvii) Verification report re contamination;
- (xviii) Unforeseen contamination;
- (xix) Adherence to construction management plan;
- (xx) Installation and retention of acoustic glazing;
- (xxi) No demolition during bat hibernation season;
- (xxii) No demolition until bat licence obtained;
- (xxiii) Submission of detailed mitigation scheme regarding bats;
- (xxiv) Archaeological investigation;
- (xxv) Submission of scheme for Secured by Design;
- (xxvi) Provision of broadband connections.

(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.

42 APPLICATION NO DOV/20/00644 - CONVENIENCE STORE, WHITFIELD URBAN EXTENSION PHASE 1, ARCHERS COURT ROAD, WHITFIELD

The Committee viewed an aerial view, a drawing, plan and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of a single storey retail building and the construction of associated car parking. As an update to the report, Members were advised that, since the report was written, the Council had published updated figures for the number of houses that needed to be delivered in the district each year, as well as revised figures for its five-year housing land supply. The housing need had fallen from 596 dwellings per year to 557. The district's housing land supply had increased from 5.39 years' supply to 5.56 years' supply. It was confirmed that the housing delivery test figure remained at 80%. Whilst the figures in the report were now out of date, the revised figures did not alter the assessment as to the tilted balance or materially change Officers' assessment of the application.

The Principal Planner advised that the site lay within land allocated for the expansion of Whitfield which had outline planning permission for a housing-led development, including retail and other uses. However, the application had been brought forward separately and sought full planning permission. Concerns had been raised about the proposal's impact on Archers Court Road and its junction with Sandwich Road. In this regard, the applicant had submitted further evidence which demonstrated that the majority of trips to the shop would either be by foot or incidental to a journey that people would be making elsewhere.

Concerns had also been raised that the site had been identified on indicative plans as being part of an area of open space approved under the outline application for Phase 1. The applicant was seeking to resolve this by providing additional open space within Phase 1 under a separate application, resulting in there being no loss of open space. In any case, the application recently approved for Phase 1C had not occupied all the land available for development, leaving a greater amount of land undeveloped than proposed by the indicative plan.

Due to the separation distance between the building and its neighbours, there would be no significant loss of light, sense of enclosure or overlooking arising from the proposal. Furthermore, the Council's Environmental Health team had concluded that the development would not cause unacceptable noise or disturbance to neighbours. Whilst the loss of some trees was regrettable, and the proposed building was somewhat utilitarian in design, the development was acceptable in all material respects and approval was recommended.

The Chairman commented that there had been a large number of objections about the loss of open space, and queried why it was acceptable to move it elsewhere. He expressed disappointment that the cumulative impact on the Archers Court Road/Sandwich Road junction could not be taken into account when considering the application. Councillor D G Beaney proposed that the application should be deferred because of the impact on the resident of 80 Archers Court Road. Whilst he accepted that Whitfield needed another shop, he questioned why the loading bay had been sited so close to the adjacent property. Councillor Cronk agreed that the loading bay was on the wrong side of the plot. Councillor Bates argued that the site had originally been designed as a green buffer for existing residents, and the proposed store should therefore be relocated towards the urban centre of the

Whitfield extension. He suggested that the application should be deferred to find another site. Councillor Bond recognised that there was a need for an additional shop in Whitfield. However, the application site had been designated as open space and good reasons were needed to encroach upon it. In his view, the loading bay should be relocated to the other side of the site.

The Principal Planner stressed that there would be no loss of open space as a result of the development as the applicant was planning to provide open space elsewhere on the site. He added that the Whitfield Masterplan Supplementary Planning Document did not require open space to be provided in a specific location. Whilst an indicative plan had been submitted with the outline application, the open space would be the subject of a separate application and relocated towards the centre of the wider site. He corrected references made to the open space being green belt land, advising that it was not green belt land which was an entirely different classification.

In respect of highways impact, lengthy negotiations had taken place with KCC Highways and further information had been submitted by the applicant, the result being that KCC Highways had raised no objections on highways grounds. The development would serve as a small, local shop for residents living in close proximity whose quickest way to get there would be on foot. Given that Tesco and Lidl were nearby, it was unlikely that residents would make special trips by car unless their visits were incidental to journeys made elsewhere.

In respect of the loading bay, the Principal Planner advised that he thought the location had been chosen because there was more space on the side of the plot nearest to no. 80. In recognition that plant equipment and the loading bay would generate noise, the Council's Environmental Health team had been consulted. Its advice was that the proposal would not have an unacceptable impact on the neighbouring property. The loading bay would be set back from the boundary, with no. 80 distant from the boundary further still. If Members wished, the delivery management plan could include a requirement that engines were switched off during deliveries to stop vibrations. Councillor Vinson emphasised the need for a detailed delivery management plan in order to mitigate the noise impact on neighbours which was a significant concern for him.

The Planning Solicitor advised the Committee that it could defer consideration of the application to allow Officers to explore a revision of the plans, with a view to relocating the loading bay. However, if Members were looking to identify an alternative location altogether, a deferral would not be acceptable and the application should be refused.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/20/00644 be DEFERRED for the following reasons:

- (i) To allow Officers to explore a revision of the plans with the applicant;
- (ii) For further details of the delivery management plan;
- (iii) To request that the Environmental Health Officer attends the meeting when the application is re-considered.

43 APPLICATION NO DOV/21/00708 - THE BELL HOTEL, 1 UPPER STRAND STREET, SANDWICH

The Committee was shown plans and photographs of the application site which was within a conservation area. The Principal Planner advised that the application sought planning permission for the erection of a fabric awning that would cover the lower terrace of the Bell Hotel which was a Grade II-listed building. The application also proposed the planting of a tree to the eastern side of the terrace, to replace one that had been felled under a separate tree consent. The Council's Heritage Officer had advised that listed building consent was not required. It was considered that the awning would not detract from the setting of any listed buildings, the conservation area or the character of the area more generally. The principle of the proposed development accorded with the Council's Development Plan, was acceptable in all other material respects, and approval was therefore recommended.

In response to queries, the Principal Planner confirmed that the canopy would be completely open, with a condition attached to ensure that it could not be enclosed. Planning permission would be required for any alterations.

RESOLVED: (a) That Application No DOV/21/00708 be APPROVED subject to the following conditions:

- (i) 3-year commencement;
- (ii) In accordance with approved plans;
- (iii) Fabric canopy to match submitted fabric sample;
- (iv) Tree shown on approved drawings to be provided within first planting season following completion of the approved works.

(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.

44 APPLICATION NO DOV/21/00387 - 20 WINCHELSEA ROAD, DOVER

Members viewed plans and photographs of the application site which was situated within the settlement confines of Dover. The Planning Officer advised that planning permission was sought for the erection of a two-storey rear extension to a mid-terrace dwelling. As an update, she reported that, since the report was written, the Council had published updated figures for the number of houses that needed to be delivered in the district each year, as well as revised figures for its five-year housing land supply. The housing need had fallen from 596 dwellings per year to 557. The district's housing land supply had increased from 5.39 years' supply to 5.56 years' supply. Whilst the figures in the report were now out of date, the revised figures did not alter the recommendation.

Members were advised that the design and depth of the extension had been amended from the plans originally advertised due to concerns about the impact on neighbouring properties. The amendments had resulted in a reduction in depth of approximately 0.9 metres at first floor level. In order to protect the privacy of neighbours, a condition restricting permitted development rights for the insertion of windows on the flank elevations of the extension was proposed. Whilst the extension would cause some additional overshadowing to neighbouring properties

to the north during the morning and afternoon, as well as some sense of enclosure, it was considered that the development was unlikely to result in unacceptable harm to privacy. This, together with there being no harm to the character and appearance of the street scene, led Officers to recommend approval of the application. In response to queries, the Planning Officer advised that permission had previously been granted for a two-storey extension in 2006, albeit the extension now proposed was slightly larger than the previous scheme.

RESOLVED: (a) That Application No DOV/21/00387 be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) List of approved plans;
- (iii) Matching materials;
- (iv) Restriction of permitted development rights to install windows on the flank elevations of the extension.

(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.

45 APPEALS AND INFORMAL HEARINGS

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

46 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 8.36 pm.