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12 October 2021

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 14 October 2021 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-15)

To confirm the minutes of the meeting of the Committee held on 16 September 2021.

Yours sincerely


Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 16 September 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
D A Hawkes
P D Jull
C F Woodgate (Minute Nos 52-59 only)

Officers: Planning and Development Manager
Principal Planner
Planning Officer
Planning Consultant
Planning Consultant
Planning Solicitor
Environmental Protection Team Leader
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/21/00402	Mr Nick Banks	Mr Paul Robbins
DOV/20/00644	Mr Patrick Jeans	Mrs Angela Northcott
DOV/20/00589	Mr Mark Hall	Ms Sally Cornock

47 APOLOGIES

It was noted that there were no apologies for absence.

48 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

49 DECLARATIONS OF INTEREST

Councillor D G Beaney declared an Other Significant Interest in Agenda Item 7 (Application No DOV/21/00614 – Meadows Caravan Site, Alkham Valley Road, Alkham) by reason that planning applications submitted by members of his family could potentially be affected by the decision made on this application.

Councillor P D Jull made a Voluntary Announcement of Other Interests in relation to Agenda Item 11 (Application No DOV/20/00589 - The Old Rectory, Mongeham Church Close, Great Mongeham) by reason that he, like the applicant, was a member of Deal and Walmer Chamber of Trade. He also stated that he knew some

of the objectors. However, he was of the view that none of these persons was an 'Associated Person' for the purposes of the Kent Model Code of Conduct.

50 MINUTES

The minutes of the meetings held on 15 July and 12 August 2021 were approved as correct records and signed by the Chairman.

51 ITEMS DEFERRED

The Chairman advised that the applications listed remained deferred unless indicated otherwise.

52 APPLICATION NO DOV/21/00402 - LAND SOUTH-WEST OF SANDWICH ROAD, SHOLDEN

The Committee was shown plans and photographs of the application site which was located outside the settlement confines of Sholden, but adjoining an approved development scheme for 42 homes to the south-east that would extend the built-up area along Sandwich Road. The Planning Consultant advised that the application sought outline planning permission for the erection of 117 dwellings, with layout, scale, appearance and landscaping being reserved matters. The site was within walking distance of a primary school, shop, village hall, bus-stops and other facilities. It was also policy compliant, offering 30% on-site affordable housing. As an update to the report, Members were advised that further correspondence had been received from Sholden Parish Council regarding the strength and enforceability of the condition relating to foul water drainage works. However, Officers were satisfied that the condition met the prescribed national tests and was reasonable, necessary and enforceable. The applicant had submitted a sustainability energy statement. Subject to the signing of a Section 106 agreement, approval was recommended.

In response to queries raised by Councillor P D Jull, who was of the view that the location of the development was inappropriate due to its impact on the street scene, the Planning Consultant advised that the applicant had submitted a parameter plan of how the site would be laid out which was considered acceptable. The dwellings would be set back from the road in order to accommodate surface water drainage ponds which could not go elsewhere on the site. The internal layout was a reserved matter which would be considered at that stage. In response to Councillor E A Biggs, he advised that the site was largely bare agricultural land. Whilst there would be some impact on trees on Sandwich Road due to access, this was not considered to be sufficiently harmful to warrant a refusal. He clarified that the latest local housing requirement had been taken into consideration and was factored into the report recommendation. He advised that drainage works to reinforce the network and provide the capacity needed to bring the scheme forward would take time to engineer and install. It was in the developer's interest to put pressure on Southern Water to find a solution that would be of benefit to local residents as well as the developer.

The Chairman commented that the Council could take out an injunction against the developer if Southern Water did not carry out the necessary works and the drainage condition was not discharged. The Planning and Development Manager (PDM) added that there was a range of conditions that would need to be discharged in connection with the application, and Officers would be looking closely at these. The developer was highly unlikely to want to commit significant resources on site without

certainty that the drainage condition could be met and the houses sold and occupied. It was very likely that the Council would hear about units being occupied in the event that this occurred prior to compliance with the foul drainage condition.

Councillor T A Bond raised concerns that the presentation had not included photographs of views from the public rights of way surrounding the site as an aid to Members in considering the visual impact on the landscape. Referring to Core Strategy Policy DM1, he stated that there should be sound reasons and benefits before building outside the confines should be considered. Local schools were full, and he was concerned that Sholden had suffered a lot of power outages recently, suggesting a problem with the local infrastructure. He also questioned the imposition of a condition that relied upon a third party. The Planning Consultant referred to the report which acknowledged that the development would have a landscape and visual impact causing minor adverse harm. However, in weighing up the benefits of the scheme against its disadvantages, Officers had concluded that planning permission should be granted. He stressed that the drainage condition was imposed on the applicant, and it was for them to demonstrate to the Local Planning Authority (LPA) that sufficient works had taken place for the condition to be discharged. The Planning Solicitor agreed, adding that, whilst the LPA could seek an injunction to prevent occupation, it would only do so as a last resort and would not let matters reach that stage.

Councillor Jull commented that the site was on top of a ridge where the impact of building two-storey houses could not be mitigated. Whilst the emerging Local Plan had been cited in support of the application, it stated that there should be cooperation between the developer of this and the adjoining site in connection with access. This scheme would see houses built in front of the landscaping buffer for the other site. The Planning Consultant advised that the landscape mitigation measures around the outer boundaries of the site were an important part of the development. The Miners' Trail would cross part of the site, but it had been confirmed that users of the trail would have priority.

Councillor D G Cronk questioned why Officers had concluded in favour of the development when weighing up the planning balance. He raised concerns about traffic movements and the cumulative impact of this and nearby developments on the road network, questioning the traffic data used. In respect of traffic movements, the Planning Consultant advised that Officers were reliant on technical advice received from Kent County Council (KCC) Highways which had tested the transport assessment rigorously. He confirmed that the assessment not only took account of this scheme but other committed schemes as well.

Councillor Jull suggested that the application should be refused on the grounds that: (i) The Landscape and Visual Impact Assessment undervalued the views from footpaths across the valley and overestimated the effectiveness of potential mitigation to the extent that the adverse landscape impact was considered to be substantial. The adverse landscape impact alone and demonstrably outweighed any and all benefits; (ii) That, contrary to Chapter 11 of the National Planning Policy Framework, the application failed to make effective use of land by introducing an additional and unnecessary break in the Miners' Way footpath and cycle path by not co-operating over access with developers of the adjacent land, and compromised the proposed landscaping scheme for the adjacent land by building houses in the direction of landscape views from which it was intended to mitigate adverse impacts; (iii) The application failed to identify correctly the arm of the London Road/Mongeham Road junction that was furthest over capacity in the am peak hour, and proposed works that would further disadvantage drivers approaching the

junction from Mongeham Road at all times and which would also affect the setting of a listed wall for which no impact assessment had been provided.

The PDM emphasised that it was recognised there would be an element of harm to the landscape. If Members required more information then the application should be deferred, particularly in respect of highways which KCC Highways had indicated was acceptable. There was a risk of appeal if the application was refused. In response to the Chairman, Councillor Jull advised that he was not willing to countenance a deferral and withdraw his motion.

In response to Councillor D G Beaney who sought clarification regarding the benefits of the scheme, the PDM referred to paragraph 3.4 of the report, citing the benefits as the provision of new market housing and affordable homes, new public open space and biodiversity net gain. The report recognised that there would be harm, but the overall benefits set against the tilted balance weighed in favour of granting planning permission. The Planning Consultant confirmed that, whilst the applicant also owned the adjacent site, that land was not part of this application which should be treated on its own merits.

Councillor M Bates queried whether there was a risk that the LPA could be left with a derelict site if the houses were built but Southern Water failed to provide the necessary infrastructure. In response to Councillor Bond, the Planning Consultant recapped that KCC Highways had confirmed that the development would not have a detrimental impact on the highway network, as evidenced by the applicant's transport assessment and traffic data. Most significantly, KCC Highways had found no weaknesses in the applicant's assessment. He stressed that the LPA was reliant on the professionalism of the KCC Highways engineer and, without evidence to the contrary, including highways as a ground for refusal would weaken the Council's position at appeal.

(The meeting was adjourned for a short break at 7.16pm and reconvened at 7.28pm.)

The Planning Consultant advised that the situation feared by Councillor Bates was extremely unlikely to arise as the developer was unlikely to start works on site unless they were confident of selling or disposing of the houses. He cautioned against adding reasons for refusal that would be difficult to defend at appeal. Councillor Jull acknowledged the advice given and indicated that he was content to give one ground of refusal based on adverse landscape impact. The Planning Solicitor urged Members to focus on whether the reasons they had proposed for refusal could be defended successfully at appeal. Rather than strengthening the LPA's case, adding additional reasons for refusal could weaken its position as the applicant and Planning Inspector could regard them as unreasonable if they lacked an evidential basis. The PDM added that there was nothing to stop other parties raising concerns along these lines at the appeal which would be taken into account by the Planning Inspector.

On the basis of the Planning Solicitor's advice, Councillor Jull agreed to amend his motion and withdrew reasons (ii) and (iii) as grounds for refusal. Councillor Bond agreed to second the amended motion since a refusal on the one ground suggested was likely to stand more chance of success at appeal.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/21/00402 be REFUSED on the ground that the Landscape and Visual Impact Assessment undervalues the views from

footpaths across the valley and overestimates the effectiveness of potential mitigation to the extent that the adverse landscape impact is considered to be substantial. The adverse landscape impact alone significantly and demonstrably outweighs any and all benefits.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to finalise the wording of the reason for refusal at (a) as necessary.

(c) That, in the absence of a completed Section 106 agreement to secure an appropriate level of affordable housing, contributions towards education, community learning, youth service facilities, library provision, social care and outdoor sports facilities, the upgrade of bus-stop infrastructure along Sandwich Road/London Road and mitigation for the Thanet Coast and Sandwich Bay Special Protection Area, the development is contrary to Policies CP6, CP7, DM5 and DM11 of the Dover District Core Strategy (adopted 2010), Policy DM27 of the Dover District Land Allocations Local Plan (adopted 2015) and provisions of the National Planning Policy Framework (2021).

53

APPLICATION NO DOV/21/00614 - MEADOWS CARAVAN SITE, ALKHAM VALLEY ROAD, ALKHAM

Members were shown drawings, plans and photographs of the application site which was situated outside the village confines of Alkham and in the Kent Downs Area of Outstanding Natural Beauty (AONB). The Planning Consultant advised that two responses had been received after the report was published, with one raising new issues regarding foul sewer system capacity and noise disturbance arising from sewage being serviced. Southern Water had not flagged up a local issue when the site was put forward under the Local Plan Regulation 18 consultation, although it had raised issues on other sites in the district. Officers had not been aware of this problem prior to the consultation response from the member of the public. Whilst Officers did not regard a condition as necessary, as a precautionary measure a condition could be imposed to address this concern. The applicant had confirmed that, if necessary, he would accept a planning condition requiring the submission of details for the disposal of foul sewage.

As an update to the report, the Planning Consultant advised that, as a site within the AONB, a screening opinion was required. In this regard, he read out a statement, as follows:

Officers had considered the application in accordance with Regulation 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development proposed fell within the description at 10 (b) of Schedule 2 to the above Regulations but did not meet the threshold criteria for Schedule 2 development due to the scale of development and the size of the site. Having taken into account the selection criteria in Schedule 3 to the above Regulations, namely: the characteristics of the development; the location of the development; and the types and characteristics of the potential impact, the proposal would not be likely to have significant effects on the environment for the reasons set out in the report and for the following reasons: (i) Although located within an AONB, the development is small scale and there would be no likely significant impacts in terms of noise, waste, contamination, flooding, ecology, archaeology, heritage issues or complex construction. Given the nature, scale and location of the proposal, the impacts of the development were unlikely to be significant. Consequently, while there may be

some impact on the surrounding area and the designated sensitive area as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact. The proposed development was not therefore Environmental Impact Assessment (EIA) development and an EIA was not required.

The Planning Consultant advised that the LPA was unable to demonstrate a 5-year supply of sites suitable for gypsy and traveller accommodation. Officers were of the view that the site could physically and visually accommodate additional pitches without being overdeveloped. There would be up to 18 static caravans and no more than 18 touring caravans on the site at any one time. Static caravans normally came with a touring caravan, but it was unlikely that all 18 touring caravans would be on site at the same time. Tourers were towed caravans that were used like cars to visit fairs, etc, and stored when not in use. Members were advised of consultation responses received regarding surface water flooding in the immediate area. A culvert ran across the site under the land. The applicant had agreed to a planning condition requiring details to be submitted of the disposal of surface water run-off.

Councillor Jull referred to flooding issues, generally caused by the river Nailbourne overflowing. Views of the site were limited and, whilst there were views from public rights of way higher up the valley, the existing caravans were not visible from those. The Planning Consultant advised that the site was quite self-contained, and the impact of the caravans was only likely to arise from the road or during winter when vegetation was sparse. He clarified that the touring caravans were not permanent structures and would come and go from the site. They could not be used for residential purposes if the static caravans were occupied. In total, there could only ever be 18 caravans occupied on the site at any one time. Gypsy and traveller sites were generally checked every 6-12 months by enforcement colleagues, and any use by people who were not gypsies or travellers would be identified then.

In response to Councillor Biggs, the Planning Consultant understood that the site was well managed, with the applicant having been at the site since at least 2008. Whilst planning permission was attached to the land and it could change ownership, he was not convinced that a management plan was necessary. He clarified that there was currently a deficit of 13 pitches which needed to be filled by March 2022. The site would provide an additional 10 pitches, was well managed and for occupation by the wider family of the applicant. Councillor Biggs requested that conditions be added regarding surface water and refuse.

In response to Councillor Bates, the Planning Consultant agreed that a condition could be added to prevent touring caravans being connected to utilities. In response to a query from Councillor D A Hawkes, he advised that condition iv) could be amended to include other pulled vehicles.

RESOLVED: (a) That Application No DOV/21/00614 be APPROVED subject to the following conditions:

- (i) The development hereby permitted shall be carried out in accordance with the submitted drawings;
- (ii) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Department for Communities and Local Government publication "Planning policy for traveller sites (August 2015) or any subsequent Government policy or guidance re-enacting that definition with or without modification;

- (iii) The static caravans hereby permitted shall be stationed on the land in the location shown on the approved drawing;
- (iv) No more than eighteen static caravans and no more than eighteen touring caravans, being caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time. Only the static caravans hereby approved on the site shall be occupied residentially. The touring caravans or pulled vehicles shall only be kept on the existing hardstanding area on the northern side of the driveway serving the site;
- (v) The form, size and appearance of the dayroom and static caravans hereby permitted shall be as shown on the approved drawing;
- (vi) No additional hard surfacing or boundary treatment shall be constructed, laid out or formed on the site without the details of the boundary treatment and/or hard surfacing having first been submitted to and approved in writing by the Local Planning Authority.
- (vii) Within 3 months of the date of this permission, details of soft landscaping to screen the proposed areas for the new development shown on the submitted drawing shall be submitted to the Local Planning Authority for its written approval. Once approved, the approved landscaping scheme shall be implemented within the first planting season following the date of that approval. The approved planting shall be retained and maintained as such for at least a period of 5 years and should any plant die, become diseased, damaged or is otherwise removed, a like-for-like replacement shall be planted in the same location;
- (viii) No commercial vehicle of more than 3.5 tonnes shall be parked on the site at any one time;
- (ix) No commercial activity or storage of materials or other commercial equipment shall take place or be stored on the site;
- (x) The area of undeveloped land shown as grass on the approved drawing shall be retained as a grassed amenity space for the site thereafter;
- (xi) Within 3 months of the date of this planning permission, a visibility splay measuring 2.4m x 120m shall be provided to the south-west of the access to the site;
- (xii) Within 3 months of the date of this permission, details of improvements to the access to facilitate room for a car to turn right into the access to pass a car waiting to turn right out of the access, shall be submitted to the Local Planning Authority for its written approval. The approved details shall be implemented within 3 months of the approval and retained as such thereafter;
- (xiii) Waste management;

(xiv) Disposal of surface water (in relation to flooding concerns);

(xv) Touring caravans not to be connected to utilities.

- (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.

(Councillor D G Beaney withdrew from the Council Chamber during consideration of this item.)

54 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.28pm for a short break and reconvened at 8.32pm.

55 APPLICATION NO DOV/21/00874 - THE GROOM'S QUARTERS, HULL PLACE, SHOLDEN

The Committee viewed drawings, a plan and photographs of the application site. The Planning Consultant advised that the application sought planning permission for the change of use and conversion of a single storey detached outbuilding to a holiday let, to include external alterations and associated parking. Whilst the conversion and external alterations had taken place, the use had not started. The building, constructed in the mid-1990s, was a former garage and currently used for storage. He clarified that a condition would be attached to restrict the building's use to people who were resident elsewhere, meaning that the applicant would not be able to occupy the building as a full-time dwelling.

RESOLVED: (a) That Application No DOV/21/00874 be APPROVED subject to the following conditions:

- (i) The layout of the building to be in accordance with the submitted drawings;
- (ii) The application building shall not be used or occupied for any purpose other than as holiday accommodation by persons whose only, or principal, home is situated elsewhere. A written log for each period of occupation, which shall include the name and permanent address of the occupants and the period of their occupation, shall be kept for a period of two years following the occupation of the holiday accommodation hereby permitted. This log shall be made available for inspection on demand at any reasonable time by any Officer of the Local Planning Authority.

(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.

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

The Committee was shown an aerial view, plan and photographs of the application site which was within the land allocated for the managed expansion of Whitfield. 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, he reported that six further representations had been received, including one from Whitfield Parish Council. No new material planning considerations had been raised that were not already covered in the report.

He recapped that the application had been deferred by the Planning Committee at its meeting held on 12 August 2021 in order to allow Officers to discuss amendments to the scheme with the applicant, particularly the possibility of relocating the loading bay and plant area away from 80 Archers Court Road. The applicant had now amended the scheme and moved the loading bay and plant area to the opposite side of the site. The noise impacts on no. 80 would therefore be significantly reduced. Further information had also been submitted by the applicant to demonstrate that journeys to the store would either be on foot or incidental to other journeys being made elsewhere. The development would secure a crossing point with dropped kerbs either side of Archers Court Road.

At the August meeting Members had also sought additional information regarding the delivery management plan and this had now been provided. In summary, the largest delivery vehicles would be 12.2-metre delivery vehicles that would visit the site between two and four times per day between 7.00am and 8.00pm Monday to Saturday and between 7.00am and 5.00pm Sundays and Bank Holidays. In addition, there would be one visit per day each from a Transit-size van and a Luton-size van to deliver newspapers, magazines and sandwiches. Delivery vehicles would access the site via the A2 and Archers Court Road. Due to the separation distance between the building and its neighbours, there would be no significant loss of light, sense of enclosure or overlooking. Furthermore, having regard to the amended layout and having consulted the Council's Environmental Health team, Officers had concluded that the development would not cause unacceptable noise or disturbance to neighbours including no. 80. In conclusion, the development was acceptable in all material respects and, subject to no new third-party comments being received prior to the expiry of the consultation period, it was recommended that the application should be approved.

In response to queries from Councillor Beaney, the Environmental Protection Team Leader advised that there were archetypal complaints that arose in connection with such facilities, and these would have been factored into the environmental health officer's report. The officer had not identified any potential problems in respect of deliveries. In respect of comings and goings to the car park, Members were advised that there would have to be significant harm before environmental health would consider raising objections. Complaints were sometimes received about anti-social behaviour in car parks but such problems, if they arose, would be dealt with after planning permission had been granted.

Councillor Bond welcomed the changes made by the applicant and proposed that the application should be approved. Councillor Woodgate agreed, stating that the Committee should support the business and the jobs it would create. He was confident any teething problems would be sorted out quickly given the operator's experience. Following a point made by Councillor Bates, the Principal Planner agreed that a condition could be added to restrict the size of delivery vehicles to 26 tons. In respect of concerns raised by Councillor Cronk about the need to protect trees and take account of the Climate and Ecological Emergency Bill, the Principal

Planner advised that trees on the site were not subject to Tree Protection Orders. He understood that younger trees took more carbon out of the atmosphere than older trees. He clarified that the level of weight Members attributed to the emerging Local Plan should increase in line with its movement through the consultation process. However, it was not advisable to be overly swayed by the Plan when, like a parliamentary bill, it was likely to be subject to amendments. Whilst the current Local Plan was the starting point for determining applications, where it was considered out of date, the NPPF took precedence, particularly the tilted balance approach set out in chapter 11. He emphasised that, under the new scheme, the loading bay would be 33 metres from no. 80 and the plant equipment 31 metres away. With regards to the replacement of trees, he suggested that it would not be reasonable to specify a number of trees. However, it would be reasonable to specify that 'standard' trees should be planted, and along the boundary with no. 80 if Members wished.

RESOLVED: (a) That, subject to no new third-party comments being received prior to the expiry of the advertisement period raising new material planning considerations, Application No DOV/20/00644 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Sections through the shop front to demonstrate detailed appearance of the columns, plinth and glazing reveals;
- (v) Details of hard and soft landscaping, including the provision of trees. For the avoidance of doubt, the landscaping scheme to provide planting along the boundary with no. 80 and throughout shall include the provision of trees of a 'standard' size or larger;
- (vi) Provision of footpath and dropped kerbs to Archers Court Road;
- (vii) Provision of vehicle parking;
- (viii) Bicycle storage;
- (ix) Provision of delivery vehicle parking;
- (x) Provision of accesses and visibility splays;
- (xi) Provision of electric vehicle charging points;
- (xii) Delivery Management Plan;
- (xiii) Construction Management Plan, to include reference to 26 ton limit on size of delivery vehicles;
- (xiv) Opening hours;

- (xv) Implementation in accordance with the submitted Noise Assessment;
- (xvi) Contamination;
- (xvii) Archaeology;
- (xviii) Foul drainage details;
- (xix) Surface water drainage details.

(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.

57 APPLICATION NO DOV/20/00589 - THE OLD RECTORY, MONGEHAM CHURCH CLOSE, GREAT MONGEHAM

The Committee was shown an aerial view, plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for a change of use of land for a wedding and events venue with a marquee and works to an outbuilding to facilitate conversion to a toilet block.

Members were reminded that the application had been deferred by the Planning Committee at its meeting held on 24 June 2021 pending further information regarding the traffic management plan and to enable the applicants to explore options for additional on-site parking. Whilst further representations had been received since the application was considered in June, these raised no new material concerns. Following the application's deferral, the applicant had submitted a revised travel plan which showed an increase of three on-site parking spaces to 24 in total, including one disabled space. KCC Highways had been reconsulted on the revised plan and parking layout and had raised no objections, subject to conditions. The Planning Officer advised that the occupants of the Old School House had since challenged KCC Highways in respect of the ownership of the land bordering the site. However, KCC Highways had recently confirmed that the visibility splay works would fall within land owned by them. A Grampian condition would be imposed to ensure that the works were carried out prior to the commencement of the use of the approved development.

Councillor C F Woodgate commented that his instinct was to support small businesses. However, the concerns with this application all centred on parking. He drove past the application site regularly and the road was often blocked with cars. He was not convinced that guests would use the minibus service or public transport and would simply park outside the venue. Councillor Bates commented that bus services serving the venue were limited and would not meet the needs of weekend visitors. The site was not as big as it looked in photographs and he doubted that there was room for 24 parking spaces. With the church next door, he could only imagine the parking situation if both venues had events on at the same time. He queried why the use of other land within the curtilage of the site had not been explored.

The Planning Officer reminded Members that the applicant would be providing a free minibus service for guests, coordinated with clients to collect and return guests

from agreed locations, potentially including Deal railway station and hotels. The Old Rectory was a Grade II-listed building with the gardens constituting its setting. Any changes would require assessment to establish whether they would detract from the setting of the listed building. Moreover, there was no vehicular access to the walled garden or the rear garden.

Councillor Bond expressed concerns about the proposals which would create more traffic and a need for parking. Whilst the venue was ideal, the proposal was just not practical. He suggested that the application should be deferred until the court case had been settled. The Planning and Development Manager clarified that there was no court case or anything of that nature, but a challenge to KCC's claim of ownership of the land required as a visibility splay. KCC Highways had asserted that the land upon which the visibility splays would be achieved was on the highway. The proposed Grampian condition would address this matter.

Councillor Beaney spoke in favour of the application, arguing that, in his experience, guests tended to use transport provided by the bride and groom, particularly if they wished to consume alcohol. This was an intimate venue and he was confident guests would respect the travel plan. He proposed that the application should be approved in accordance with the Officer's recommendation. Councillor Jull agreed that such arrangements were commonplace. He added that residential traffic had been coming and going from Mongeham Church Close for many years without incident.

(The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, it was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That, in accordance with Council Procedure Rule 9, the Committee proceeds with the business remaining on the agenda.)

It was moved by Councillor D G Beaney and duly seconded that Application No DOV/20/00589 be APPROVED as per the Officer's recommendation.

On being put to the vote, the motion FAILED.

The PDM advised that Planning Practice Guidance indicated that a temporary planning permission could be appropriate where it was considered a trial run was needed to assess the impact of a development on an area. It was his view that the circumstances of this application, where there was a difference of opinion between some members of the Committee as to the efficacy of the traffic management plan, were such that this course of action would be appropriate, allowing this matter to be tested.

Councillor Jull agreed, suggesting that it be granted for a period of three years but without the Grampian and landscaping conditions. Officers cautioned against removing these conditions given that the visibility splay works were considered to be necessary to ensure the safety of highway users.

It was moved by Councillor P D Jull and duly seconded that planning permission should be granted for a temporary period of 3 years, subject to the conditions included in the report and an additional condition relating to visibility splays.

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

RESOLVED: (a) That Application No DOV/20/00589 be granted planning

permission for a temporary period of 3 years, subject to the following conditions:

- (i) 3-year standard time limit;
- (ii) Approved plans;
- (iii) Samples of materials for the outbuilding;
- (iv) Joinery details;
- (v) Number of weddings/events restricted to 30 per year and number of heads to 50 per event;
- (vi) Provision of 24 car parking spaces as shown on the plans;
- (vii) Implementation of Travel Plan Statement: includes parking provision, use of minibus service and vans and other sustainable transport;
- (viii) Bat-sensitive lighting scheme;
- (ix) Landscaping scheme (this condition to be removed/amended if the landscaping works have been granted via a previous application for the site);
- (x) Grampian condition relating to visibility splays;
- (xi) Installation of a noise limiter prior to first use;
- (xii) Submission of a detailed noise management plan prior to first use;
- (xiii) Restricting hours of use (amplified music during the reception which will be turned off at 11.15pm and all events will finish at 11.45pm);
- (xiv) Marquee shall be removed the day after the wedding as confirmed within the Travel Plan Statement.

(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.

58 APPEALS AND INFORMAL HEARINGS

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

59 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 10.07 pm.