

# Public Document Pack



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8 December 2021

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 9 December 2021 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-12)

To confirm the minutes of the meeting of the Committee held on 11 November 2021.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", is written over a horizontal line. Below the signature, the text "Chief Executive" is printed.

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 11 November 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

Officers: Principal Planner  
Principal Planner  
Senior Planner  
Planning Officer  
Planning Solicitor  
Democratic Services 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/21/00317 & DOV/21/00318	Mr Alister Hume Mr Guy Hollaway	Councillor O Richardson Mr Richard Hill
DOV/21/00402	Mr Nick Banks	Mr Paul Robbins
DOV/21/01113	Mrs Danielle St Pierre	Mrs Rita Hewitt
DOV/20/01563	Mr Reece Lemon	-----
DOV/21/00677	Ms Valerie Owen	-----

75 APOLOGIES

It was noted that there were no apologies for absence.

76 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

77 DECLARATIONS OF INTEREST

There were no declarations of interest.

78 MINUTES

The minutes of the meeting held on 14 October 2021 were approved as a correct record and signed by the Chairman.

79 ITEMS DEFERRED

The Chairman advised that the applications listed remained deferred.

80 APPLICATION NOS DOV/21/00317 & DOV/21/00318 - COASTGUARD COTTAGES, BAY HILL, ST MARGARET'S BAY

The Committee was shown a map, CGI images, drawings, plans and photographs of the application site. The Principal Planner advised that planning permission and listed building consent was sought for the erection of a three-storey detached building incorporating five flats and alterations to the existing Grade II-listed terrace of cottages, boathouse and outbuildings. The existing lean-to extensions on the cottages would be demolished and replaced with new extensions which would increase the size of the dwellings and allow the removal of internal partitions which were unsympathetic. The design of the new detached building had been amended as a result of comments made by the design review panel and it was considered to be of high quality. Officers were of the view that the new building would not compete with the listed buildings and, whilst there would be less than substantial harm to the listed cottages, this would be outweighed by the public benefits.

Councillor P D Jull referred to concerns raised by the parish council regarding the visual impact of the development from viewpoints within the village. He cited the eclectic mix of buildings in the village as a reason why he did not object to the proposal on landscape grounds. The Principal Planner clarified that the cottages were the principal listed building within the application site, with the boathouse and outbuildings to the rear being curtilage listed and enjoying the same level of protection as the principal building. In response to concerns expressed by Councillor C F Woodgate about protected tenancies, Members were advised that tenants or occupiers were not a material consideration under planning legislation and, as such, matters surrounding their welfare were not for the Committee to take into account when considering the applications. Its remit was solely to consider whether the use of the land was acceptable in planning terms.

In response to Councillor M Bates, the Principal Planner advised that three quarters of the new building would be built on the existing car park area. The existing community area would continue as an area of open space but would be under separate ownership. He confirmed that the cottages would have a small area of amenity space to the rear and small front gardens which were of a reasonable size when compared with those typical of new developments. There was a reasonable separation distance between the new building and the cottages which meant that it would not have an unacceptable impact in terms of overshadowing. Whilst there would be an impact on the bedrooms and rear gardens of the cottages, the living conditions of future occupiers would not be adversely affected. In response to queries, the Principal Planner opined that any refurbishment of the cottages was likely to improve their thermal efficiency, etc. Councillor E A Biggs spoke in favour of the proposal which would improve the condition of the existing cottages and secure an impressive new building.

RESOLVED: (a) That, subject to a legal agreement, Planning Application No DOV/21/00317 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials to be submitted;

- (iv) Hard and soft landscaping, including tree planting and means of enclosure;
- (v) Tree protection;
- (vi) Ecological mitigation, enhancement and management;
- (vii) Bat/ecology lighting;
- (viii) Land levels and sections;
- (ix) Car parking shown on approved plans to be provided prior to first use;
- (x) Electric car charging points;
- (xi) Cycle parking;
- (xii) Refuse storage;
- (xiii) Contamination;
- (xiv) Construction management plan (noise and vibration control);
- (xv) Surface water drainage details;
- (xvi) Privacy screens to be retained in perpetuity.

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

(c) That Listed Building Consent be APPROVED for Application No DOV/21/00318 subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials to be submitted;
- (iv) Details: joinery, mechanical ventilation, section of eaves, section to show new openings proposed through historic fabric, sections to show upgrading of walls/roof for weatherproofing or any other purpose.

(d) 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.

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

The Committee viewed a CGI and plans 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 reminded Members that the application had previously been to the Committee in September where it had been refused. The applicant had amended the proposal in order to address the Committee's concerns, and an amended application was now before Members for consideration. The key changes were summarised in section b) of the report but included a reduction in the number of dwellings from 117 to 110, an increase in the area of open space and landscaping and a limit placed upon the height of dwellings across the whole site to two storeys. In terms of representations, Sholden Parish Council and Deal Town Council continued to object to the proposal, and an additional nine letters of objection had been received since the report was published. Kent County Council (KCC) was also seeking an additional contribution towards special education provision. These latter matters were set out in the update report circulated to the Committee in advance of the meeting.

In response to Councillor R S Walkden, the Planning Consultant advised that landscaping would be arranged on a grid system with a mixture of whips, feathered and heavy standard trees, with the final mix of trees secured by legal obligation. In respect of highways, he advised that the applicant had submitted traffic modelling with the transport assessment. The applicant's modelling had been based on KCC Highways' model and agreed by KCC. The modelling took into account the existing situation, committed development schemes and forecast growth. Councillor D G Cronk was of the view that the traffic predictions were incorrect as there would be a need for primary school children to travel elsewhere in the district given that local primary schools were full. The Planning Consultant advised that KCC was satisfied that a contribution of £4,500 for secondary education and an additional £1,051 for special needs education would mitigate the impact of the development. Furthermore, KCC was not seeking contributions for primary schools as it was of the view that there was sufficient capacity to meet the needs of the development.

Councillor Jull raised concerns about the CGI slides which he did not consider to be a true representation of the landscape impacts. In his view an attractive open vista would be adversely affected by planting trees on it. He failed to see how 10-year-old trees could effectively mitigate the adverse landscape impact and called for a site visit. Councillor T A Bond shared these concerns and also questioned the location of the water attenuation basins and public rights of way. The Planning Consultant advised that the site sloped gently upwards to the south-west from Sandwich Road. Referring to the KCC public rights of way map, the Principal Planner clarified that the public rights of way running along the north-western boundary of the site were ED37 and EE386 and those along the south-western boundary were ED48 and EE389. He added that a mix of deciduous and evergreen trees across the site would provide a good balance in respect of ecology and visual interest. With regards to primary education, he clarified that, due to the falling birth rate, there would be a surplus of places by the time the development had been built out.

**RESOLVED:** (a) That, subject to a Section 106 legal agreement to secure necessary planning obligations set out at Table 2 and paragraph 2.37 of the report, Application No DOV/21/00402 be APPROVED subject to the following conditions:

- (i) Reserved matters details – layout, scale, appearance and landscaping;
- (ii) Outline time limit;
- (iii) Approved plans;
- (iv) No building on the site shall be greater than two storeys in height (including the provision of dormer windows in the roof space);
- (v) Removal of permitted development rights for dormer roof extensions;
- (vi) Archaeological field investigation – in accordance with details to be submitted and approved; and then findings to be submitted and verified before submission of any reserved matters application;
- (vii) Intrusive ground investigation surveys and risk assessment;
- (viii) Details of and verification of ground remediation (if necessary);
- (ix) Unforeseen contamination;
- (x) SuDS detailed design;
- (xi) Environmental and Transport Construction Management Plan (including dust suppression) ;
- (xii) Noise attenuation and ventilation measures to achieve appropriate internal and external levels;
- (xiii) Public rights of way management and improvement scheme to be submitted and approved;
- (xiv) Tree/hedge protection measures ;
- (xv) Secured by design measures;
- (xvi) A scheme of ecological mitigation and enhancement measures to be approved;
- (xvii) Details to achieve at least a 10% net gain in habitat units across the site;
- (xviii) Details of visibility splays of principal access onto Sandwich Road before commencement;
- (xix) Completion of principal access and separate footway/cycleway connection before occupation;
- (xx) Completion of improvement works to Mongeham Road

before occupation of development, in accordance with s.278 agreement;

- (xxi) Scheme of electric vehicle charge to be approved before commencement;
- (xxii) Completion of highway infrastructure for each dwelling before occupation;
- (xxiii) Improvements to the Miners' Way Trail in accordance with s.278 agreement
- (xxiv) No development shall be occupied until any foul water drainage network reinforcement, to ensure sufficient network foul water capacity is available to adequately drain the development, has been carried out;
- (xxv) Details of equipment for children's play area and provision before first occupation;
- (xxvi) Travel plan,

(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.

82 APPLICATION NO DOV/21/01113 - LAND REAR OF 20-34 WESTERN ROAD, DEAL

Members were shown a CGI, drawings, plans and photographs of the application site which was within the settlement confines of Deal and in a conservation area. The Senior Planner advised that the application sought planning permission for the erection of three dwellings with associated parking. To the east of the site was St Andrew's church and semi-detached houses to the west. The proposed dwellings were considered to be well situated and well designed. Officers were satisfied that the scheme would not cause harm to the street scene or conservation area and approval was therefore recommended.

In response to Members' queries, the Principal Planner clarified that a condition could be added regarding access in order to safeguard the public right of way if Members considered it necessary to make the application acceptable. Historic maps indicated that the site had been used previously only as a piggery and orchard. It was therefore Officers' opinion that there was not a strong case for an archaeological condition.

Councillor Jull expressed disappointment that only three dwellings were to be built on a scarce plot of land in the town centre. The design was inconsistent with the street scene, and he questioned the need to use so much land for access. Councillor Bond welcomed the development of the land which had sat dormant for years. However, he expressed unease that the development would be accessed partly by using a public right of way. The Senior Planner clarified that KCC had previously been consulted on the use of the public right of way in connection with a development of six dwellings which would have had a direct impact on the public right of way by requiring works to be carried out to the boundary wall. KCC had

raised no objections in respect of that larger scheme. In response to Councillor Cronk who proposed that there should be a construction management plan, Members were advised that a plan would not normally be required for such a small scheme and particularly where there were no general concerns about access and vehicle movements.

It was moved by Councillor Bates and duly seconded by Councillor R S Walkden that Application No DOV/21/01113 be APPROVED with additional conditions relating to access over the public right of way, archaeology and construction traffic management.

Councillor R S Walkden subsequently withdrew his seconding of the motion as he considered it unnecessary to add an additional condition relating to a construction management plan.

It was moved by Councillor D G Beaney and duly seconded that Application No DOV/21/01113 be APPROVED as per the Officer's recommendation.

RESOLVED: That Application No DOV/21/01113 be APPROVED subject to the following conditions:

- (i) 3-year standard time limit;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Provision of parking facilities;
- (v) Electric vehicle charging points;
- (vi) Measures to prevent the discharge of surface water onto the highway;
- (vii) Provision of cycle and bin storage prior to first occupation;
- (viii) Provision and maintenance of 1-metre x 1-metre pedestrian visibility splays behind the footway on both sides with no obstruction over 0.6-metre above the footway level;
- (ix) Removal of permitted development rights (classes A, B, C, D and E);
- (x) Removal of permitted development rights for insertion of window openings at first-floor level;
- (xi) Hand dug condition and tree protection measures;
- (xii) Contamination land condition;
- (xiii) Landscaping scheme;
- (xiv) Pre-commencement condition requiring submission of a detailed scheme for surface water disposal;



- (xv) Pre-commencement condition requiring submission of a detailed scheme for foul water drainage;
- (xvi) Boundary treatment and hard surfacing.

(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.

83 APPLICATION NO DOV/20/01563 - SUNNYMEADE, NELSON PARK ROAD, ST MARGARET'S-AT-CLIFFE

Members viewed a CGI, drawings, plans and photographs of the application site which was located outside the settlement confines of St Margaret's-at-Cliffe. The Planning Officer advised that the application sought planning permission for the erection of a two-storey side extension, single storey rear extension, a first-floor roof extension and other alterations which would represent a sizeable increase in the existing dwelling. Councillor Biggs welcomed the development, commenting that it was a large plot and expanding an existing dwelling rather than adding another one in was to be commended.

RESOLVED: (a) That Application No DOV/20/01563 be APPROVED subject to the following conditions:

- (i) 3-year time limit for commencement;
- (ii) Compliance with approved plans;
- (iii) No openings on south-west elevation.

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

84 APPLICATION NO DOV/21/00677 - 98 GOLF ROAD, DEAL

Members viewed drawings, plans and photographs of the application site which was within the settlement confines of Deal. The Principal Planner advised that the application sought planning permission for the erection of two dwellings to the rear of 98 Golf Road. As a correction to paragraph 2.15 of the report, he advised that a flood risk assessment had been submitted. However, whilst this meant that the application had met the sequential test, it was the case that the application failed to meet both parts of the exceptions test. The third reason for refusal would therefore need to be amended accordingly.

The Committee was advised that the proposal was for two three-storey dwellings in a backland location, neither of which were typical of the area. The development would have an impact on the residential amenity of dwellings in Links Road which had small rear gardens and cause harm to the visual amenity of the area. The application site was within a flood zone 3 area and, as such, the applicant was required to carry out a sequential test in order to identify alternative sites in areas where there was a lower flood risk. The applicant had carried out a sequential test using standard methodology, and Officers were satisfied that there were no

alternative sites available. However, whilst the application had passed part B of the exceptions test, it had failed part A and had thus failed overall.

Councillor Jull raised concerns about the reasons for refusal given that there were other three-storey dwellings and backland developments in Golf Road which had also presumably passed flood tests. The Principal Planner advised that developments at 56 and 90 Golf Road had received planning permission in 2015 and 2017, both years when the Local Planning Authority (LPA) would not have been able to demonstrate a five-year housing land supply. The situation now was different in that the LPA had a robust land supply. In respect of overlooking, he advised that there was a difference between first and second floor overlooking. The rear elevations of the proposed dwellings would be approximately 17.5 metres distant from the rear elevations of properties in Links Road. Overlooking to these properties from the first and second floor windows would be exacerbated by overlooking from the third storeys.

Councillor D G Beaney noted that there was already a number of buildings in the rear gardens and the proposal would not result in an extension of the rear building line. He suggested that if overlooking was the only issue, obscure glazing could address this. He also suggested that electric gates could be used to obscure the dwellings from street views.

The Principal Planner emphasised that it was important to compare the current situation with what would be experienced in the future. It was not possible to compare existing outbuildings which were small, ancillary structures to two three-storey dwellings. At present none of the rear outbuildings were visible from the front of the property. However, the proposal would see the garage demolished and there would then be clear views of the proposed dwellings. The development would then very clearly appear as a backland development which was not characteristic of this part of Deal. Members were advised that obscure glazing was not considered acceptable for use in bedrooms. Furthermore, as a rule of thumb, 21 metres was considered to be the minimum acceptable separation distance between properties. The Committee was required to assess the application before it. A complete redesign would be needed in order to overcome the multiple issues identified by Officers. In response to Councillor Bates, he explained that flood risk was a complex area. The sequential test sought to identify alternative sites in a lower flood risk area where a comparable development could be built. Given that most of Deal was in a flood risk area, there were not many options. The exceptions test was concerned with identifying the public benefits of a proposal. With no benefits or exceptional circumstances and a five-year housing land supply, it was appropriate to refuse the application.

RESOLVED: (a) That Application No DOV/21/00677 be REFUSED for the following reasons:

- (i) The proposal, by virtue of its siting and height, would result in an unacceptable level of overlooking, interlooking, loss of privacy and increased sense of enclosure to dwellings in Links Road, contrary to paragraph 130 (f) of the National Planning Policy Framework 2021.
- (ii) The proposal, by virtue of the introduction of back garden development at odds with the prevailing building pattern and density of the area, and the loss of the front garden, would result in harm to the visual amenity of the street scene,

contrary to paragraph 130 of the National Planning Policy Framework 2021.

- (iii) The proposed development has failed part A of the exceptions test. The development would be located in Flood Risk Zone 3 and no wider sustainability benefits to the community that outweigh flood risk have been identified. Consequently, the development is contrary to the aim to direct development away from areas at highest risk unless there is exceptional justification, contrary to paragraphs 164 and 165 of the National Planning Policy Framework.
- (b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary reasons/wording in line with the issues set out in the recommendation and as resolved by the Planning Committee.

85 ADJOURNMENT OF MEETING

The meeting was adjourned at 9.04pm and reconvened at 9.10pm.

86 APPLICATION NO DOV/21/00150 - FOUR WINDS AND HILLSIDE, POMMEUS LANE, RIPPLE

The Committee was shown an aerial view, drawings, a plan and photographs of the application site which was outside the settlement confines of Ripple. The Principal Planner advised that the application sought planning permission for the erection of two four-bedroom dwellings in replacement of two bungalows which would be demolished. Whilst the site was located outside the settlement confines, Core Strategy Policy DM8 facilitated replacement dwellings in the countryside subject to certain criteria, including the replacements being of an appropriate design and scale and not harmful to the character of the countryside. The existing properties were single storey and unobtrusive. The proposed four-bedroom dwellings would be located on a site which was relatively isolated and prominent within the landscape. This, together with their scale and form, led Officers to conclude that the development would cause significant harm to the countryside. Referring to DM15 which dealt with proposals that would adversely affect the character or appearance of the countryside, Members were advised that the development did not meet any of the exceptions listed in the policy. Whilst there were no objections in principle to replacement dwellings on this site, the recommendation to refuse the application was based on the details of the proposal, principally the design.

Councillor Jull spoke in support of the Officer's recommendation, agreeing that the scheme would see the insertion of two large buildings in a location where they would not normally be permitted. The dwellings would be seen in views across the valley and would have an adverse impact on the landscape. He proposed that the application should be refused but that materials should not be cited as one of the grounds for refusal. Councillor Bates agreed, adding that the existing buildings merged into the landscape whereas the proposed structures would be difficult to screen.

In response to Councillor Beaney who suggested that the impact of the proposal could be mitigated by suitable planting and landscaping, the Principal Planner emphasised that creating an artificial screen around the site could result in making the site appear even more prominent in the landscape. The proposed dwellings

would be nine metres high and, as such, very large, mature trees would be needed to screen them. It was stressed that this was a very different landscape to others considered earlier in the meeting, consisting of large open fields with fewer hedgerows.

RESOLVED: (a) That Application No DOV/21/00150 be REFUSED on the grounds that the proposed development, if permitted, by virtue of its siting, size, form and scale, would result in an incongruous and intrusive form of development, bringing about significant harm to the character and appearance of the countryside, exacerbated by there being two new dwellings of such impact. The proposal would be viewed from nearby public rights of way and would be highly visible within its rural setting. The proposal is therefore contrary to Policies DM8, DM15 and DM16 of the Dover District Core Strategy and paragraphs 130 and 174 of the National Planning Policy Framework.

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

87 APPEALS AND INFORMAL HEARINGS

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

88 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 9.28 pm.