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17 January 2022

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 20 January 2022 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 9 December 2021.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over the printed name "Chief Executive".

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 9 December 2021 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
E A Biggs
T A Bond
P D Jull
N S Kenton
K Mills
C F Woodgate

Officers: Principal Planner
Principal Planner (Renewable Energy)
Principal Planner
Planning Officer
Planning Consultant
Solicitor to the Council
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/20/01236 & DOV/20/01220	Mr Clive Lynton	-----
DOV/21/00758	Mrs Karen Dunn	-----

89 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Beaney, D G Cronk and D A Hawkes.

90 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors N S Kenton and K Mills had been appointed as substitute members for Councillors D G Beaney and D G Cronk respectively.

91 DECLARATIONS OF INTEREST

Councillor T A Bond declared an Other Significant Interest in Agenda Item 8 (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.

92 MINUTES

The minutes of the meeting held on 11 November 2021 were approved as a correct record and signed by the Chairman.

93 ITEMS DEFERRED

The Chairman advised that all three applications listed were due for consideration at the meeting.

94 APPLICATION NO DOV/21/00500 - UNITED REFORMED CHURCH, THE STREET, ASH

The Committee was shown a map, a plan, drawings and photographs of the application site which was within a conservation area in the village of Ash. The Planning Consultant reminded Members that the application had been deferred by the Planning Committee in June 2021 pending advice from the Council's Heritage Officer and the Head of Museums and Tourism on the proposal to remove six stained-glass windows from the church building. A variation was being sought to two conditions attached to the original planning permission which would see the stained-glass windows in the church building removed and replaced with clear glazed windows, additional and amended roof-lights in the church hall building and the repositioning of a flue. The Planning Consultant emphasised that the key stained-glass windows in the church building were commemorative and would be retained. As a correction to the report at paragraph 2.25, he advised that the National Planning Policy Framework (NPPF) paragraphs referred to should be 202 and 203.

Councillor M Bates commented that he had read the statements from the Council's Heritage Officer and the Head of Museums and Tourism. He believed that the Committee's concerns had been addressed and proposed that the application to vary conditions should be approved.

RESOLVED: (a) That Application No DOV/21/00500 be APPROVED subject to the following conditions:

- (i) The conditions on the existing planning permission should be reimposed or updated. Condition 5 should be updated and varied to omit reference to the six windows in the application;
- (ii) The development shall be carried out to the Approved Drawings;
- (iii) An additional condition should be imposed to ensure that the roof-lights in the church building are set flush with the plane of the roof slope;
- (iv) The replacement panes shall match the existing form of the openings and the glazing patterns of the windows being removed.

(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.

95 APPLICATION NOS DOV/21/01201 & DOV/21/01202 - 10 CATTLE MARKET, SANDWICH

Members viewed drawings, plans and photographs of the application site which was in a conservation area within the settlement confines of Sandwich. The Planning Officer advised that the building was a Grade II-listed, two-storey building which had last been in use in 2016 as a bank. Planning permission was sought for a change of use and to convert the building to two dwellings with a retail shop or office. A first-floor rear extension would be added and a central courtyard created. The application had been amended and readvertised on the basis of comments made by the Heritage Officer. No further public representations had been received in response to the consultation, and the Environment Agency had not responded to either consultation.

The application accorded with Core Strategy Policies DM1 and DM11. Whilst the proposal was partly contrary to Policies DM22 and LA18 (of the Land Allocations Plan 2015), they were considered to be in tension with the NPPF and therefore out-of-date. As such, the tilted balance approach of paragraph 11 of the NPPF was engaged which required that sustainable proposals should be approved providing any harm caused was significantly and demonstrably outweighed by the benefits. The NPPF supported mixed-use buildings in town centres and the proposal would not cause harm to the conservation area. On balance, the proposal was considered acceptable.

In response to concerns raised by Councillor E A Biggs about refuse storage, the Planning Officer advised that there would be no external amenity space. For this reason, storage space for bins and bicycles would be created within the dwellings which would use smaller refuse bins accordingly.

RESOLVED: (a) That Application No DOV/21/01201 (Planning Permission) be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) List of approved plans;
- (iii) Scheme of sound insulation between the commercial and residential parts of the development to be submitted;
- (iv) The development to be carried out in accordance with the recommendations of the submitted Flood Risk Assessment;
- (v) Any relevant Environment Agency conditions.

(b) That Application No DOV/21/01202 (Listed Building Consent) be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) List of approved plans;
- (iii) Samples of external materials to be submitted – including tiles to be used on elevations and roof;
- (iv) Joinery details for the proposed windows;
- (v) Details of the roof construction – eaves, verges, hips, ridges and valleys;

- (vi) Details and profiles of rainwater goods;
- (vii) Details of roof-lights.

(c) 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.

(d) KCC Highways and Transportation Informative, Southern Water Informative and Southern Water contact information Informative.

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

The Committee was shown CGIs, drawings, plans and photographs of the application site. The Principal Planner advised that the applications had been deferred by the Planning Committee in April 2021 due to concerns about the design and appearance of the motel, the size of the rooms and the perceived lack of public consultation. As an update to the report, Members were advised that two objections had been received from members of the public, supporting the Dover Society's views on the scheme and raising no new issues.

The Principal Planner set out the key changes to the scheme, namely: (a) shipping containers would no longer be used; (b) new external cladding materials; (c) accommodation blocks reduced from 5 to 3; (d) motel's room sizes increased. The proposed modular form of the scheme would facilitate rapid construction and had been used successfully in Shoreditch and Southampton.

In response to Councillor R S Walkden who requested that the cladding should be fire-resistant, the Principal Planner advised that such matters would be covered by Building Regulations. In any case, the height of the building meant that it would not be covered by recent legislation introduced as a result of the Grenfell Tower fire. Councillor P D Jull raised concerns about the colour scheme and queried the appearance of balconies and solar panels. The Principal Planner clarified the colours that were to be used, and opined that in this location, and given the height and size of the buildings, the proposed colours were suitable and would fit in well. The balconies would be glazed and, as such, would not be overly prominent. Councillor Jull commented that, whilst he was not enthusiastic about the design, it was acceptable. However, he asked that a condition be added regarding details of the colour scheme.

Councillor Biggs was of the opinion that Dover did not need another hotel or swimming-pool. The proposed motel was a bland building when something distinctive was needed in this iconic location. He had been enthusiastic about the original proposal to use shipping containers but was underwhelmed by the latest proposals, arguing that a design review should have been undertaken. The Principal Planner advised that the construction of a hotel was in the masterplan for this area, and the inclusion of a swimming-pool had been a commercial decision taken by the motel's owners. The idea of carrying out a design review had not previously been mooted. Deferring the application for several more months whilst one was carried out could potentially lead to an appeal against non-determination.

Councillor N S Kenton argued that the town was in need of more hotels, a need that was recognised in the Council's Economic Strategy. The design was distinctive but, in his opinion, could have been more innovative in this coastal location. The scheme included a bar and commercial area which were appropriate in this prominent location. Positive improvements had been made to the original scheme, and he proposed that the applications should be approved.

RESOLVED: (a) That Application No DOV/20/01236 be APPROVED subject to the following conditions:

- (i) Standard commencement condition;
- (ii) List of approved plans;
- (iii) Submission of hard and soft landscaping scheme including details of floorscape/ground surface treatments;
- (iv) Provision of car parking as shown on plans;
- (v) Submission of details of access from the public highway (as required by Kent Highways);
- (vi) Submission of details of cycle parking;
- (vii) Submission of details of refuse bin storage;
- (viii) Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition);
- (ix) Submission of a detailed scheme for the disposal of foul sewage (pre-commencement condition);
- (x) Submission of, and adherence to, site-specific Construction Management Plan (pre-commencement condition);
- (xi) Provision of electric vehicle charging points;
- (xii) Submission of details of canopy for parking area;
- (xiii) Submission of details of PV panels.

(b) That Application No DOV/20/01220 be APPROVED subject to the following conditions:

- (i) Standard commencement conditions;
- (ii) List of approved plans;
- (iii) Submission of hard and soft landscaping scheme including details of floorscape/ground surface treatments;

- (iv) Provision of car parking as shown on plans;
- (v) Submission of details of access from the public highway (as required by Kent Highways);
- (vi) Submission of details of cycle parking;
- (vii) Submission of details of refuse bin storage;
- (viii) Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition);
- (ix) Submission of a detailed scheme for the disposal of foul sewage (pre-commencement condition);
- (x) Submission of, and adherence to, site-specific Construction Management Plan (pre-commencement condition);
- (xi) Provision of electric vehicle charging points;
- (xii) Submission of details of replacement locations for those elements of the completed Clock Tower Square works that need to be removed;
- (xiii) Details of colour scheme to be submitted.

(c) 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.

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

97 APPLICATION NO DOV/21/00758 - PHASE 2B PARCEL 4, AYLESHAM VILLAGE EXPANSION, AYLESHAM

Members viewed an aerial view, drawings, plans and photographs of the application site which was known locally as Freddie's Field. The Principal Planner advised that full planning permission for the site had originally been granted in 2012. A further outline application had subsequently been granted, followed by a number of applications to vary conditions attached to the planning permissions. The most recent of these, approved by the Committee in June 2020, had sought an increase in the number of dwellings from 1,210 to 1,360. The principle of development on the site had been established and could not be challenged. However, it was for the Committee to consider the details of the proposed scheme.

The application site was an open and fairly featureless area at present. The existing passages and alleyways would be retained, as would the vehicle accesses. There had been significant public representations about the loss of open space. However, a substantial area of 4.58 hectares of open space would be retained. This would mean a surplus of 2.96 hectares when compared to the standard laid out in Policy DM27 of the Council's Housing Allocations Plan 2015. In terms of highway impact, the original Traffic Impact Assessment had been updated in 2020 in

connection with the outline permission, and was found to be acceptable by Kent County Council (KCC) Highways. An updated traffic survey of surrounding villages required as part of the outline permission had been delayed due to the pandemic. The survey had now been completed and the report was awaited. In any event, any mitigation measures required would have to be carried out prior to any further occupation of residential units. Whilst there would be 22% affordable housing provided across the wider site, there would be no affordable homes provided within this particular parcel of land.

Members were advised that concerns had also been raised about infrastructure. The Section 106 agreement had already delivered a significant amount of financial contributions towards health facilities, education, etc, and the remainder of these would come forward during subsequent phases. The Planning Consultant covered issues relating to nutrient levels in Stodmarsh Lakes (as set out in paragraphs 2.20 to 2.25 of the report) which had caused Natural England to raise objections to the application. A second report was awaited but it was anticipated that Natural England would withdraw its objection on the back of the report.

Councillor C F Woodgate voiced concerns about the rear access alleyway and the potential for friction between old and new residents over maintenance. In his view there was insufficient open space in Aylesham and the level of infrastructure was woeful for a settlement which was now nearly the size of Sandwich. He was also uncomfortable with the proposed density of the development. The Principal Planner confirmed that the alleyway was wide enough for vehicle access, but accepted that maintenance could be an issue in the future as it would not be adopted. He stressed that more infrastructure would come forward as phases were completed and that the density was similar to other phases.

In response to concerns raised by Councillor Jull, it was clarified that it was only the rear private access that would not be adopted; the main road access would be adopted. The Design and Access Statement submitted with the application referred to a density of 45 dwellings per hectare. It was not an option to grant permission before Natural England had withdrawn its objection in relation to Stodmarsh Lakes as the Council would then be obliged to refer the application to the Secretary of State which would cause delay. The Principal Planner confirmed that the Council was responsible for maintaining Abercrombie Gardens.

Councillor Kevin Mills raised concerns about the unadopted road which would be boarded by fences and in darkness due to the absence of any lighting. The Principal Planner confirmed that the unadopted road was three metres wide and wide enough for vehicles to turn into parking areas. The adopted road would have visitor parking spaces, speed reduction measures and be wide enough for two-way traffic. The road had been designed with the full cooperation of KCC and there was an extremely low risk of it not being adopted. Councillor Bates expressed concerns about the rear alleyway and requested that street-lighting should be installed to make it safe for drivers and deter anti-social behaviour.

RESOLVED: (a) That Reserved Matters Application No DOV/21/00758 and discharge of conditions be APPROVED subject to the following conditions:

- (i) The Local Planning Authority, as the 'competent authority' for the purposes of the Habitat Regulations, being satisfied (in consultation with Natural England as necessary) that discharges of wastewater from the

Dambridge wastewater treatment works would not have a likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site or, alternatively, that satisfactory mitigation can be achieved.

- (ii) Additional conditions to include: (a) approved plans; (b) details of electric charging points; and (c) street-lighting to be provided in rear access alleyway.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to resolve details of any necessary planning conditions and matters covered in recommendation (a) (i) relating to any impacts on the protected Stodmarsh sites in accordance with the issues set out in the report and as resolved by the Planning Committee.

98 APPLICATION NO DOV/20/00879 - PHASE 2B PARCELS 5 & 6, AYLESHAM VILLAGE EXPANSION, AYLESHAM

The Committee was shown plans and photographs of the application site which was an irregular shaped parcel of land located to the north of Bell Grove and to the south of Abercrombie Garden East.

The Principal Planner advised that, like Application No DOV/21/00758, full planning permission for the site had originally been granted in 2012. A further outline application had subsequently been granted, followed by a number of applications to vary conditions attached to the planning permissions. The most recent of these, approved by the Committee in June 2020, had sought an increase in the number of dwellings from 1,210 to 1,360. The principle of development on the site had been established and could not be challenged. However, it was for the Committee to consider the details of the proposed development.

Members were advised that the issues raised in connection with this application were largely the same as those raised in relation to Phase 2B Parcel 4. Affordable housing would be provided on this site. The site was an area of informal open space which had been the subject of unauthorised parking and fly-tipping. A similar approach to this site had been adopted as Phase 2B Parcel 4 with provision for the use of existing accesses.

RESOLVED: (a) That Reserved Matters Application No DOV/20/00879 and discharge of conditions be APPROVED subject to the following conditions:

- (i) The Local Planning Authority, as the 'competent authority' for the purposes of the Habitat Regulations, being satisfied (in consultation with Natural England as necessary) that discharges of wastewater from the Dambridge wastewater treatment works would not have a likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site or, alternatively, that satisfactory mitigation can be achieved.

- (ii) Additional conditions to include: (a) approved plans; (b) removal of permitted development rights for units 18 and 19 to ensure car ports are retained; (c) details of electric charging points.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to resolve details of any necessary planning conditions and matters covered in recommendation (a) (i) relating to any impacts on the protected Stodmarsh sites in accordance with the issues set out in the report and as resolved by the Planning Committee.

99 FEES AND CHARGES 2022/23

The Principal Planner presented the report which set out the Council's proposed fees and charges for 2022/23. In response to a query from Councillor Biggs, it was clarified that planning application fees were set nationally and were therefore beyond the Council's control. Fees were reduced for some charitable organisations and parish councils.

RESOLVED: (a) That the Council's fees and charges set out at Appendices 5.1 and 5.3 of the report, and the national planning fees set out at Appendix 5.2 of the report, be noted.

(b) That the Section 106 Monitoring Fees set out at Appendix 5.4 of the report be approved.

100 APPEALS AND INFORMAL HEARINGS

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

101 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 7.56 pm.