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14 September 2022

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 15 September 2022 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 August 2022.

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, 11 August 2022 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

Officers: Planning and Development Manager
Team Leader (Development Management) - Strategic Sites
Principal Planner
Senior Planner
Planning Consultant
Planning Consultant
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/22/00751	Ms Rebecca Simcox	-----
DOV/22/00262	Mr Ross Hamilton	Mr Steven French
DOV/21/00391	Mr Paul Blyth	Ms Sally Miller
DOV/20/01569	Mr Dan Codrea	Mr Keith Pilcher
DOV/21/00208	Ms Sarah Cottingham	Mrs Susan Harvey
DOV/21/01811	-----	Ms Rachel Emery

36 APOLOGIES

It was noted that there were no apologies for absence.

37 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

38 DECLARATIONS OF INTEREST

Councillor P D Jull announced that he had made comments about Agenda Item No 8 (Application No DOV//20/01569 – Longships, Cauldham Lane, Capel-le-Ferne) two and a half years previously but remained open-minded, given that the application had changed.

Councillor D G Beaney commented that he had visited residents in relation to Agenda Item No 6 (Application No DOV/22/00262 – Forest School Activities and Education Centre, Woodpecker Court, 45 Wigmore Lane, Eythorne) in his capacity

as a Kent County Council Councillor. In response to advice given by the Planning Solicitor, he confirmed that he had not predetermined the application and remained open-minded.

39 MINUTES

The minutes of the meeting held on 14 July 2022 were approved as a correct record and signed by the Chairman.

40 APPLICATION NO DOV22/00751 - THE WHITE CLIFFS HOTEL, HIGH STREET, ST MARGARET'S-AT-CLIFFE

The Committee was shown a map and a photograph of the application site. The Planning Consultant advised that the application sought permission under the Town and Country Planning Act to remove condition 15 of planning permission granted in March 2020 for application DOV/19/01112 which had been implemented. Condition 15 related to the use of the hotel's bar and restaurant facilities by non-residents and had been imposed to ensure that there was adequate car parking to serve the new dwellings. Whilst the parish council, which had made this application, was a third party and not the original applicant, that fact had no material bearing and the current application should be considered on its planning merits. The parish council had put forward a case that the public closure of the bar and restaurant facility would have such a negative impact on the hotel that the owners might reach a point where it was considered that the business was no longer financially viable and close it down. With a greater understanding of the condition's impact, based on evidence that was not available at the time of the original application, Officers were now of the view that the objectives of condition 15 could be achieved by alternative means, such as a car parking, servicing and delivery management plan which would have much less of an impact on the business.

Councillor P D Jull proposed that the report recommendation should be approved, but without condition 18 that required a parking, servicing and delivery management plan. Councillor T A Bond seconded the motion, agreeing that condition 18 should be removed.

RESOLVED: (a) That Application No DOV/22/00751 be APPROVED subject to the following conditions:

- (i) Time limit to commence development (three years from 27/03/20);
- (ii) Plans;
- (iii) Material samples – external surfaces;
- (iv) Material samples – enclosures and hard surfacing;
- (v) External joinery details;
- (vi) Landscaping scheme;
- (vii) Construction management plan;
- (viii) Surface water drainage details;

- (ix) Provision of parking;
- (x) Restriction of permitted development rights;
- (xi) Unforeseen contamination;
- (xii) Refuse/recycling storage details;
- (xiii) Roof light details;
- (xiv) Protection of trees;
- (xv) Cycle storage facilities;
- (xvi) Electric vehicle charging.

(b) That powers be delegated to the Head of Planning 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.

41 APPLICATION NO DOV/22/00262 - FOREST SCHOOL ACTIVITIES AND EDUCATION CENTRE, WOODPECKER COURT, 45 WIGMORE LANE, EYTHORNE

Members viewed drawings, a plan and photographs of the application site. The Planning Consultant advised that the application sought planning permission for, amongst other things, the erection of two buildings for use as a catering unit and classroom, the formation of a parking and turning area, the use of the site for up to 60 students at any one time and an increase from one community event per year to six. As an update to the report, Members were advised that the Council's Tree Officer had confirmed that the proposal would not involve the loss or cutting back of trees. Further feedback from Kent County Council (KCC) Highways and the Senior Natural Environment Officer had also been received.

The Planning Consultant urged the Committee not to revisit issues associated with the existing planning permission but to focus on the application before it given that the use of the land for educational purposes had already been established. Whilst there were a number of land ownership issues, the application was valid and the issues did not prevent the application from being determined that evening. Any dispute over land ownership that affected the applicant's ability to discharge some of the conditions would prevent the implementation of the permission and be classed as a breach if the applicant went ahead with development. That being said, all of the proposed parking spaces and the turning circle were on the applicant's land, in relation to which a title plan had been submitted by the applicant. Whilst there was a verbal agreement from Tilmanstone Welfare Club for there to be some parking on its land, the application did not rely on it. Although some planning enforcement investigations had been undertaken in relation to the site, that was a separate issue. With regard to the increase in student numbers, the existing condition that limited numbers to 40 students had been imposed as a result of concerns over highway safety and not matters relating to health and safety or social/amenity reasons. In respect of trees, the background was that they had originally been inspected as part of a 2021 tree consent application. Since then, the Tree Officer had attended the site with a Planning Enforcement Officer two to three

months previously when no evidence of unpermitted work had been found. Likewise, there had been no evidence of badger setts on the site.

Turning to highways matters, Members were advised that KCC Highways had originally commented that there was room for two vehicles to pass on the road. However, KCC Highways had now revised its advice and acknowledged that it was not possible for two cars to pass each other along the whole length of the road. To address this, it had suggested that conditions be added relating to a traffic management plan, marshals and the Wigmore Lane access only being used for deliveries and staff parking. The retention of the turning head and parking spaces would also be conditioned. There had been no reported accidents in Adelaide Road in the preceding four years. A minor road traffic accident had occurred in 2017 but it would not have been included in the statistics because it fell outside the reporting period.

In response to a query from Councillor M Bates about the size of the turning circle, the Planning Consultant advised that its size was based on advice received from KCC Highways. Councillor Bates questioned the advice, pointing out that it was clearly not possible for two cars to pass each other without careful manoeuvring. He suggested that a site visit should be held to allow a proper assessment to be made. Councillors D G Cronk and D G Beaney agreed, the latter also raising concerns about access for fire engines. Councillor P D Jull queried the site's educational classification and why a one-way traffic system could not be operated in order to avoid conflict. Councillor D A Hawkes requested clarification of a previous condition for community events.

The Planning Consultant advised that the applicant proposed to have three traffic marshals in place during the school drop-off period. He clarified that the number of students taken by the school had to date been somewhat hindered by the poor visibility of the access at Wigmore Lane. However, since KCC Highways had indicated that Adelaide Road was a better option, all school traffic had been using the entrance on Adelaide Road as there were no planning restrictions preventing its use. As a result, the applicant was now proposing an increase of 20 in student numbers. In respect of the facility's status, he advised that paragraph 95 of the National Planning Policy Framework (NPPF) sought to support school expansion plans in order to widen educational choice. Woodpecker Court was an educational facility that clearly met an educational need. He undertook to discuss the idea of a one-way traffic system with the applicant. In respect of community events at the school, he advised that they were currently allowed one event per year.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/22/00262 be DEFERRED for: (a) A site visit to be held on Tuesday 13 September 2022 (subject to confirmation) to enable Members to look at access, highway safety and traffic issues, and that Councillors M Bates, D G Cronk, D A Hawkes, P D Jull and R S Walkden (reserves: Councillors T A Bond and E A Biggs) be appointed to visit the site; and (b) Pending further information relating to: (i) Access/practical arrangements in the event of a fire emergency; (ii) Feasibility of a one-way traffic system; (iii) Signage; and (iv) Land ownership.

42

APPLICATION NO DOV/21/00391 - LAND ADJACENT TO 95 THE STREET, ASH

Members were shown drawings, plans and photographs of the application site which was within a conservation area. The Planning Consultant advised that the

application sought permission to erect a detached dwelling on a parcel of land which had originally been part of the garden of 95 The Street. As corrections to the report, it was clarified that condition 4 should include details of cills and reveals and recommendation II should refer to the Head of Planning and Development.

The Committee was advised that, whilst the principle of the new dwelling was considered acceptable, Members were required to attach considerable weight to the importance of enhancing and conserving the conservation area. Amendments had been made to the application as a result of a significant number of objections. A tree survey had been submitted and some conifers would be removed from the site. However, a row of trees outside the application site would not be removed and condition 11 was designed to safeguard them during construction. He confirmed that there was no need for the bus-stop outside the site to be relocated as KCC Highways considered the access to be safe. A construction management plan was proposed to address amenity and highways matters. In response to Councillor Jull, the Planning Consultant confirmed that the separation distance between the proposed dwelling, no. 95 and houses opposite was such that there would be no loss of privacy or undue levels of overlooking.

RESOLVED: (a) That, subject to the Local Planning Authority, as the 'competent authority' for the purposes of the Habitat Regulations, being satisfied (in consultation with Natural England as/if necessary) that discharges of wastewater from the Dambridge wastewater treatment works are not likely to have a significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site, or alternatively that satisfactory mitigation can be achieved, Application No DOV/21/00391 be APPROVED subject to the following conditions:

- (i) Standard 3-year implementation;
- (ii) Development in accordance with approved plans;
- (iii) Samples of bricks and slates and details of materials proposed for the external finishes of the building shall be submitted for approval before the construction of the development takes place above ground level;
- (iv) Details of construction of eaves and rafter ends, verges, barge boards, cills and reveals and joinery of doors and windows and their positioning in the masonry to be submitted for approval;
- (v) Details/position of vents to be submitted for approval;
- (vi) Sample panel of brickwork to show brick bond and mortar joints;
- (vii) Site levels to be submitted for approval;
- (viii) Details of the means to dispose of surface water and foul water drainage from the site shall be submitted for approval prior to works commencing;
- (ix) Details of native planting species, enclosures and landscaping to be submitted for approval before the

construction of the development exceeds ground level;

- (x) Recommendations within the Ecological Appraisal for enhancing biodiversity during development and increasing biodiversity post construction to be implemented;
- (xi) The tree protection measures identified in the Arboricultural Report shall be fully implemented during the construction of the development;
- (xii) A Construction Management Plan to be submitted for approval;
- (xiii) No development shall take place on the site until details are submitted to and approved in writing by the Local Planning Authority of measures to demonstrate that the proposal is taking a proactive approach to mitigating and adapting to climate change and minimising energy consumption. This shall include the provision of an electric vehicle charging point;
- (xiv) Parking spaces as shown on the approved plans shall be provided before first use and retained thereafter;
- (xv) Provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6 metres above footway level, prior to the use of the site commencing;
- (xvi) Provision of bonded surface for the first 5 metres of the depth of the parking spaces;
- (xvii) Completion of the vehicular crossing prior to use of access;
- (xviii) Cycle, refuse and recycling facilities to be provided before the first use of the development and retained thereafter;
- (xix) Removal of permitted development rights – under Class A of the GPDO to cover extensions, extensions and alterations to the roof and outbuildings.

(b) That powers be delegated to the Head of Planning and Development to resolve details of any necessary planning conditions and/or legal agreements and matters covered in recommendation I above 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.

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was outside, but adjacent to, the settlement confines of Capel-le-Ferne. The Senior Planner advised that the application sought planning permission for the erection of a two-storey building containing fifteen flats.

During the course of the application the design had been amended and details of these amendments were set out in paragraph 1.2 of the report. Members were referred to paragraphs 2.25 to 2.31 of the report which covered proposed highway works, including the provision of a pedestrian footway, uncontrolled pedestrian crossings, tactile crossing points and the widening of Cauldham Lane at two points to provide passing places. The design and appearance of the development, together with the proposed landscaping, were considered to preserve the character and appearance of the countryside and wider landscape area. Whilst the application was contrary to Core Strategy Policies DM1, DM11 and DM15, some of these policies were considered to carry reduced weight or to be out-of-date and the tilted balance approach set out in paragraph 11 of the NPPF was therefore engaged. This presumed that sustainable development should be permitted unless the benefits would be significantly and demonstrably outweighed by any harmful impact.

Councillor Jull expressed frustration at KCC Highways which had now confirmed that the verges along Capel Street and outside the site were highways land. With reference to condition 16, he suggested that the proposed footways to be provided along Cauldham Lane should be set as far back as possible from the highway onto KCC Highways land in order to enable the widening of Cauldham Lane so that two vehicles could pass each other at the same time. Although the applicant was proposing a five-metre-wide roadway as access, there was apparently no footway proposed between the building and proposed footpath at the access. The Senior Planner advised that sections of Cauldham Lane would be widened locally to 4.8 metres, and these works would be covered by a Section 106 agreement. In addition, a strip would be provided at the front of the site for future footway provision should land to the west of the site be developed.

In response to Councillor Cronk, the Senior Planner advised that wheelchair turning circles were shown on some plans but there were no indications that disabled parking would be provided. She clarified that the applicant's viability information had been independently assessed. The potential for sale prices to increase during the course of the development had been identified and a mechanism for reviewing viability had therefore been included in the Section 106 agreement. She confirmed that an age criterion of 55 years or above would apply to occupants.

In response to Councillor Bates who challenged the limited parking provision and lack of disabled parking, the Senior Planner advised that one parking space would be provided for each flat which accorded with the requirements of Policy DM13. She clarified that condition 16 dealt with the relocation of utilities as required by KCC Highways. The Team Leader Development Management added that there was no policy requirement for the provision of disabled parking. One and two-bedroomed flats required one parking space per unit so the provision for this development would be slightly above the minimum standard. In respect of age restrictions, he clarified that there were no health or wellbeing requirements attached to the development which was like any other flatted accommodation save for the age restriction. Occupants were likely to be people who were downsizing and wished to move to accommodation that was more suitable should they have mobility or health issues in the future. Turning to drainage, he advised that Southern

Water's advice regarding the underground sewer did not necessarily mean there was one but was rather more of a catch-all condition in case one was found. Referring to condition 21, he advised that the full details of conditions dealing with flooding, drainage and contamination were set out in paragraphs 2.32 and 2.33 of the report.

Councillor Jull proposed that condition 21 should be amended, details of condition 16 should be clarified and an additional condition added to safeguard land for the provision of a pavement in the future. Councillors Bates, Beaney and Hawkes commented that more parking spaces were needed and suggested that the application should be deferred to explore the provision of more spaces, including disabled spaces.

(The meeting was adjourned at 8.08pm to allow Officers to confer and reconvened at 8.15pm.)

The Team Leader Development Management summarised the reasons for referral suggested by Members, namely exploring with the applicant the provision of additional parking spaces; clarifying the exact wording of condition 21 on surface water drainage; making amendments to condition 16 relating to the provision of footpaths outside the site; and adding an additional condition to safeguard land for future pavement/footway provision. He advised that whilst minor changes to schemes could be made at committee, this could not be to such an extent that amendments to plans were then required.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/20/01569 be DEFERRED to allow Officers to: (a) Explore additional parking with applicant; (b) Clarify full wording of condition 21 (surface water drainage); (c) Clarify details of condition 16 (how footways would be aligned at the extremities of highway land); and (d) Add an additional condition for safeguarding land for future pavement/footway provision (two metres to be safeguarded which should be at least seven metres from the north-east side of Cauldham Lane where highways land finishes).

44 APPLICATION NO DOV/21/00208 - UNIT G, SANDWICH INDUSTRIAL ESTATE, RAMSGATE ROAD, SANDWICH

Members viewed an aerial view, plans and photographs of the application site. The Principal Planner advised that the application sought retrospective planning permission for a change of use from a salvage yard to a scaffolding yard. As part of the site fell within an Area of Archaeological Potential that arose from the eastern part of the yard being part of the Scheduled Ancient Monument (SAM) of the medieval port of Stonar, Historic England had been consulted and advised that the use was considered not to compromise the SAM. There was a minimum distance of 37.5 metres from the boundary of the application site to the closest rear garden boundary in Stonar Gardens. Given the historic use of the site, within an established industrial estate, and subject to mitigation measures and conditions to safeguard residential amenity, the application was considered acceptable and approval was therefore recommended.

Councillor E A Biggs sympathised with residents and sought clarification on the B8 classification. He commented that scaffolding was a noisy business and the scaffolding towers would be high and intrusive. The Principal Planner advised that the B8 classification covered storage and distribution. The yard's previous *sui*

generis use as a reclamation yard did not fit into any neat planning category and, since the 1990s, there had been no planning controls on the site. Whilst the residential area of Stonar Gardens was nearby, the site was situated on an industrial estate where a range of uses was taking place. The current use was considered compatible with the industrial estate and capable of being controlled through planning conditions unlike the previous use. An acoustic appraisal had been undertaken, assessing noise generated by the site. Officers were satisfied that the use could continue with appropriate conditions.

In response to Councillor Bond, the Principal Planner clarified that the hard surfacing had largely been re-laid over what was already there so it was deemed that the current use would not make the existing drainage situation worse. She confirmed that the Environment Agency had been consulted and had raised no objections in terms of flooding. In response to Councillor Hawkes, she advised that Environmental Health had requested additional information and a noise protocol covering matters such as loading hours, yard noise, a dedicated site contact, etc. The acoustic barrier and the requirement to load vehicles at the end of the day were key details in respect of protecting residential amenity, and the enforcement of the protocol would be critical. Environmental Health had confirmed that there had been no noise complaints and, subject to conditions, was satisfied with the change of use. She emphasised that the proposed use was a typical feature of an industrial estate.

RESOLVED: (a) That Application No DOV/21/00208 be APPROVED subject to the following conditions:

- (i) Plans;
- (ii) Details of acoustic barrier and timeframe to be implemented;
- (iii) Noise protocol to be formally submitted;
- (iv) Lighting;
- (v) Operating hours;
- (vi) Site layout/parking;
- (vii) Landscaping retained;
- (viii) Maximum eternal storage height.

(b) That powers be delegated to the Head of Planning 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 APPLICATION NO DOV/21/01811 - 2 JOHNS GREEN, SANDWICH

The Committee was shown a CGI, drawings, plans and photographs of the application site which was located within the settlement confines of Sandwich. The Principal Planner advised that planning permission was sought for the erection of a detached bungalow with associated storage, parking and turning area. As an update, she advised that an additional condition for a sprinkler system was proposed. A previous application for a bungalow of greater scale and mass, which

had been considered harmful to the character of the area, had been refused and dismissed at appeal. The current design was lower in height and more in keeping with the area. It was considered that there was plenty of distance between the proposed and neighbouring dwellings, and approval was recommended.

Councillor Beaney supported the proposal which would fit into the area well. Councillor Biggs agreed, adding that, unlike some back garden developments, this was on a generous plot and surrounded by similarly large gardens. The low-level design gave the dwelling the appearance of an outbuilding which helped it to blend into its surroundings.

RESOLVED: (a) That Application No DOV/21/01811 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Plans;
- (iii) Samples/Details;
- (iv) Boundary treatment;
- (v) Drainage details;
- (vi) Landscaping/tree protection;
- (vii) Permitted development rights removed;
- (viii) Electric vehicle charging point;
- (ix) Parking;
- (x) Implementation of cycle and refuse storage;
- (xi) Sprinkler system;
- (xii) Bat sensitive lighting;
- (xiii) Ecological enhancements.

(b) That powers be delegated to the Head of Planning 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.

46 APPEALS AND INFORMAL HEARINGS

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

47 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 9.11 pm.