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31 May 2023

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 1 June 2023 at 6.00 pm, the following report that was unavailable when the agenda was printed.

5 **MINUTES** (Pages 2-11)

To confirm the minutes of the meeting of the Committee held on 13 April 2023.

Yours sincerely

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

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 13 April 2023 at 6.00 pm.

Present:

Chairman: Councillor J S Back

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

Officers: Team Leader (Development Management) - Strategic Sites
Principal Planner
Senior Planner
Senior Planner
Planning Officer
Planning Consultant
Planning Consultant
Principal Planning Solicitor
Property/Planning Lawyer
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/22/01379	Ms Katie Inglis	-----
DOV/22/00472	Mr Matthew Porter	Mr Brian Clark
DOV/22/01707	Mr Philip Blanch	Ms Amber Curtis
DOV/22/00817	Mr Philip Rawle	Mr Derek Wanstall
DOV/22/00669	Ms Jane Scott	Ms Penelope James

152 APOLOGIES

It was noted that an apology for absence had been received from Councillor E A Biggs.

153 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

154 DECLARATIONS OF INTEREST

There were no declarations of interest.

155 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised that Agenda Item 11 (Application No DOV/21/01822 – Land on the West Side of Cross Road, Deal) had been withdrawn from the agenda.

156 ITEMS DEFERRED

The Chairman advised that the deferred item was not due for consideration at the meeting.

157 APPLICATION NO DOV/22/01379 - BETTESHANGER SUSTAINABLE PARKS, BETTESHANGER ROAD, BETTESHANGER

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was located west of Sandwich Road. The Planning Consultant advised that the application was a reserved matters application for details of landscaping, layout, access, scale and appearance pursuant to an outline application granted in 2021. In terms of layout, the two main groups of houses would be located on either side of the linear park and off a road that ran through the site which had been built by the South-East England Development Agency (SEEDA) following the closure of the colliery.

Councillor P D Jull expressed disappointment at the density of the development, and suggested that, whilst not in an Area of Outstanding Natural Beauty (AONB), the proposed colour palette was inappropriate for houses that would be visible from external views. He also queried whether the road would be built to an adoptable standard. The Planning Consultant advised that the majority of houses would be built in red or buff brick but the proposals included white boarding on some houses. Since materials were yet to be agreed with the applicant, he indicated that an informative could be added and Officers would work with the developer to achieve a darker palette in visible areas. He added that the spine road had deteriorated and would be re-laid and adopted by Kent County Council (KCC) Highways.

In response to Councillor D G Cronk, the Planning Consultant advised that it was a requirement that new bus-stops on Sandwich Road were delivered before commencement of the development. The Coal Authority had been consulted and was content that the development would be stable and safe from ground movement. Councillor T A Bond raised concerns around ecological measures, pollution prevention and the distance of the bus-stop on London Road from the development. In terms of contamination, the Planning Consultant confirmed that suitable investigations and surveys had been carried out on the land to ensure it was safe for development. He clarified that the biodiversity offsetting scheme for the protection of turtle doves and reptiles was reliant on the use of Betteshanger country park which was in the control of Quinn Estates. A legal agreement would run with the land to ensure that the measures could be enforced, even if there was a change in land ownership. It was the responsibility of the applicant to ensure that the circular road, which would come from the spine road, was provided. In relation to access to bus-stops, he advised that pedestrian routes would be provided along Colliers Way and elsewhere. In response to a query from Councillor M Bates about the diversion of a bus service from the A258, he advised that the applicant had been in discussions with Stagecoach which had not expressed an interest in diverting the service. He stressed that the bus-stops on Sandwich Road were 12 minutes' walk from the development, using the circular road and going westwards. Notwithstanding that the bus would not be diverted into the estate, it was considered that the development was still sustainable.

RESOLVED: (a) That Reserved Matters Application No DOV/22/201379 be

APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Details and samples of materials (external surfaces of dwellings);
- (iii) Details and samples of materials (hard surfacing);
- (iv) Details of bat boxes, bird boxes and bee bricks to be submitted and approved;
- (v) Details of hedgehog gaps to be submitted and approved;
- (vi) Details of traffic-calming measures to be submitted and approved.

(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.

Informative: That it be noted that the Planning Committee is in favour of a darker palette of materials for dwellings situated in areas of the development that are more visible from external views.

158 APPLICATION NO DOV/22/00472 - STABLES, GREAT KNELL FARM, KNELL LANE, ASH

Members viewed an aerial view and photographs of the application site which comprised two buildings. The Planning Consultant advised that the application sought planning permission for a change of use and conversion of an existing granary building to a residential dwelling.

As corrections to the report, he advised that the description given by the applicant of the building due for conversion was inaccurate. The building was not in fact a disused former agricultural building, having been erected in 2011, and was currently used for domestic storage. In respect of paragraph 1.6, he clarified that the building to the north, known as the 'black barn', had been the subject of three recent planning applications. As an update, he advised that additional representations had been submitted which had raised no new material considerations. In total, 27 objections and 19 representations of support had been received. He confirmed that, in addition, Ash Parish Council had raised no objections, subject to the imposition of five conditions. These included the installation of solar panels which were not appropriate in a rural location and on a roof that was east facing. Electric vehicle charging points were covered by Building Regulations, and a traffic management plan was not appropriate for a development of this size.

The Planning Consultant advised that it was relevant to consider Policy SP4 of the draft Local Plan which supported new dwellings in the countryside subject to a number of criteria, including the re-use of redundant or disused buildings. However, as the building was in use and not redundant, the policy did not apply. Whilst the proposal was contrary to policy due to its location, the attractive nature of the

building and its contribution to the character and appearance of the countryside weighed in its favour and, on balance, approval was recommended.

Councillor Bond queried the history of the buildings and whether they had ever been used for agricultural purposes. He raised concerns about the lack of enforcement which had allowed the applicant to bypass the planning system. The Planning Consultant advised that the larger building had been rebuilt in 2011, in replacement of a building that had been there since the Victorian era which had collapsed and become unusable. A retrospective application for planning permission had subsequently been refused in 2012, albeit this had been more on the basis of the proposed use of the building rather than its appearance. That refusal had not been followed up by the Council's enforcement team and the building's use had therefore been established through the passage of time - four years for new buildings or a change of use to a residential dwelling. He stressed that, whilst it was not illegal to seek retrospective planning permission, it did carry a risk. He went on to advise that part of the middle building had gone but some of it had been re-used. The 'black barn' had been granted planning permission for conversion in 2017.

In response to Members' queries, the Planning Consultant clarified that there was a limit on the number of windows allowed in rural buildings. He also confirmed that there was no agricultural business operating at the site, the surrounding land being unconnected to the buildings. He pointed out that, although the application was contrary to policy ANP1 of the Ash Neighbourhood Plan, Ash Parish Council had raised no objections.

RESOLVED: (a) That, subject to a legal agreement to secure SAMM payment and conditions, Application No DOV/22/00472 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approval of drawings and documents received;
- (iii) Approval of materials;
- (iv) Approval of a lighting design strategy for biodiversity;
- (v) Protection of hedgehogs and nesting birds during construction;
- (vi) Approval of measures to enhance biodiversity;
- (vii) Provision of a bat loft and its protection thereafter;
- (viii) Retention of car parking spaces within the garage;
- (ix) No additional openings in the building;
- (x) Provision of cycle and refuse storage within the garage;
- (xi) Approval of hard and soft landscaping, including boundary enclosures;
- (xii) Foul water discharge;

- (xiii) Retention of trees;
- (xiv) Over domestication of front of dwelling;
- (xv) Removal of permitted development rights for the building classes A-G.

(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.

(There being an equality of votes, the Chairman used his casting vote.)

159 APPLICATION NO DOV/22/01707 - LAND BETWEEN MINNIS TERRACE AND 110 HILLSIDE ROAD, DOVER

The Committee viewed drawings, plans and photographs of the application site which was situated within the urban confines of Dover. The Senior Planner advised that planning permission was sought for the erection of three dwellings with landscaping, parking and the demolition of the existing garages. As an update to the report, Members were advised that two further objections had been received. An additional condition was also recommended for obscure-glazed windows.

In response to concerns raised by Councillor Jull about cars overhanging the pavement, the Senior Planner advised that the ground floor of the proposed dwellings would be stepped back to achieve the required separation distance from the highway. She clarified that the separation distance between the proposed development and the nearest dwelling in Minnis Terrace was 15.5 metres. It was recommended that a condition be attached to require windows on the side elevations of the proposed dwellings to the west to be obscure glazed and fixed shut. In response to Councillor Cronk, she suggested that a further condition could be added to address the possible presence of Japanese knotweed. Councillor Bond expressed concerns about overlooking from the proposed development into properties on Minnis Terrace, as well as a loss of light for those properties.

The Senior Planner explained that the side windows served bathrooms and, with the additional condition, there would be no overlooking. She confirmed that a daylight and sunlight assessment had been carried out and had concluded that there would be no loss of light to dwellings in Minnis Terrace. She clarified that a footpath running between the proposed properties and Minnis Terrace was a private footpath, and that the 25-degree ruling was related to overbearing rather than the impact on sunlight or daylight. In response to Councillor D A Hawkes, she advised that one parking space per dwelling was considered sufficient due to the development's sustainable location.

RESOLVED: (a) That Application No DOV/22/01707 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;

- (iii) Samples of materials;
- (iv) Windows/doors aluminium frames set in reveals;
- (v) Windows to west to be obscure-glazed and fixed shut;
- (vi) Landscaping;
- (vii) Refuse and cycle storage;
- (viii) Provision and retention of parking;
- (ix) Visibility splays;
- (x) Removal of permitted development rights;
- (xi) Noise vibration survey prior to commencement and scheme of mitigation measures implemented and maintained;
- (xii) Details of measures to protect public sewer and mitigate the proposed development agreed prior to commencement;
- (xiii) Lighting design strategy for biodiversity;
- (xiv) Japanese knotweed measures;
- (xv) Ecological enhancement measures in accordance with recommendations.

(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.

Informative: Consideration to be given to timings of clearance in relation to breeding birds.

160 APPLICATION NO DOV/22/00817 - LAND AT CHURCH FIELD FARM, THE STREET, SHOLDEN

Members were shown plans and drawings of the proposal which sought planning permission for the reserved matters of landscaping, layout, scale and appearance. The Principal Planner reminded Members that matters such as access and offsite highways impact had already been agreed at the outline stage and were not for consideration at the meeting. He advised that the dwellings would be of a contemporary appearance and fourteen affordable homes would be provided.

In response to concerns raised by Members regarding off-site highways works, the Principal Planner reminded the Committee that these issues had been covered by condition 15 of the outline application. The Team Leader Development Management (TLDM) reminded Members that the application was formed of two parts – the application submitted at the outline stage and the reserved matters application that was before the Committee that evening. The conditions included at

the outline stage still applied and would need to be discharged by the applicant. In response to Councillor Bond, he clarified that condition 6 on the outline permission had been allowed at appeal and the wording of the condition was that of the Planning Inspector (PI). It was intended that condition 6 on the reserved matters application would require the raised tables to be provided prior to the first occupation of the development. However, if Members wished, they could amend it to require details to be submitted prior to commencement.

It was moved by Councillor R S Walkden and duly seconded that Application No DOV/22/00817 be APPROVED with an amendment to condition 6 to require details to be submitted prior to commencement of the development.

On being put to the vote, the motion FAILED.

Councillor Jull commented that he wanted to see a change to the proposed layout, to include a green buffer. He proposed that the application should be refused as the development was in the wrong part of the site and would harm the existing green buffer between the site and Sholden.

(The meeting was adjourned at 7.50pm to allow Officers to confer and reconvened at 7.56pm.)

The Principal Planner stressed that the proposed layout conformed with the layout indicated at the outline application stage. The PI had included condition 6 on the outline permission and the application complied with the condition's requirements. Paragraph 24 of the PI's decision had considered green landscaping and concluded that the public portion of open space provided a suitable buffer between the site and Deal. The access point was fixed and had to be situated in that part of the site. He added that the drainage was in the lowest part of the site for functional reasons.

Councillor Jull commented that the PI had overreached themselves in determining the development's layout which meant that the Committee had not had the opportunity to influence it. Councillor Bates suggested that the application could be deferred to ask the applicant to review the layout in order to address the Committee's concerns. The Planning Solicitor advised that the PI had considered the indicative layout and had gone further than usual by imposing a condition that was lawful. In the light of the observations made by the PI, and the point made earlier about the access having to be where it was, he cautioned against refusal as it would go directly against the PI's decision. Refusing the application on the basis that the layout should be re-arranged, and the development moved to a different corner of the site, would be unreasonable and difficult to defend at appeal.

It was moved by Councillor M Bates and duly seconded that Application No DOV/22/00817 be APPROVED as set out in the report subject to an amendment to condition 6 to require details to be submitted prior to commencement of development.

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

RESOLVED: (a) That Application No DOV/22/00817 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Samples of materials;

- (iii) Details of measures required to provide on-site energy generation;
- (iv) Details of bicycle storage;
- (v) Provision of vehicle parking spaces;
- (vi) Details of the raised table-top highway features, to be submitted prior to commencement;
- (vii) Details of refuse/recycling storage and collection points;
- (viii) Details of existing and proposed finished ground levels;
- (ix) Details of children's play space;
- (x) Landscape management plan for hard landscape areas;
- (xi) Planting, seeding or turfing to be carried out in the first planting seasons;
- (xii) Details of all external lighting in public realm areas;
- (xiii) Noise levels of care home fixed plant;
- (xiv) Ventilation and filtration equipment for care home;
- (xv) Hours of deliveries for care home.

(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.

161 APPLICATION NO DOV/22/01400 - TRINITY METHODIST CHURCH, UNION ROAD, DEAL

The Committee was shown plans and a photograph of the application site which was situated within the urban boundary of Deal. The Planning Officer advised that planning permission was sought for the extension of an existing vehicle access, the installation of a bollard and security lighting. The application was retrospective and there were no updates to the report. She confirmed that an Environmental Protection Officer had visited the site at night and that lighting levels were not considered to be excessive, nor would they cause a nuisance.

RESOLVED: (a) That Application No DOV/22/01400 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;

(iii) Hours and luminance levels for lighting.

(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.

162 APPLICATION NO DOV/22/00669 - LYDDEN INTERNATIONAL RACE CIRCUIT, DUMBRILL HILL, WOOTTON

Members viewed an aerial view, plans and photographs of the application site. The Senior Planner advised that the application was a retrospective one and sought planning permission for alterations to the existing track layout to include the formation of a banked turn and tabletop jump. A further representation had been received objecting to the proposals, advising that the only amendment that would gain their support was the applicant being made to reinstate the landscape at the site that had already been changed before permission was obtained (hence the application being retrospective). The proposed alterations were considered ancillary to the use of the site. Matters pertaining to residential amenity and the AONB were set out in the report.

The TLDM emphasised that the application was solely concerned with operational development and did not include any wider use of the site. The Senior Planner advised that the Council's Environmental Protection team had reviewed the application. Noise levels at the site were controlled by an existing noise abatement notice and discussions in relation to this were ongoing. In response to concerns raised about the application being retrospective, the Senior Planner clarified that there had been one previous retrospective application for a marquee. Whilst the application under consideration had been submitted prior to works commencing, it had been delayed pending the submission of additional information.

In response to Councillor D G Beaney who raised queries about progress in respect of the noise management plan, the TLDM advised that there had been a delay due to the 2019 application having been subject to a judicial review. A noise management plan had been submitted a year or so previously and been reviewed by the Environmental Protection team. However, more significant changes had subsequently been requested, requiring the submission of a second plan which had been received, reviewed by Environmental Protection and was currently with the applicant for further amendments. Whilst there had been delays, progress had speeded up recently and there was a realistic prospect of the plan being signed off soon, not least because it was in the circuit's interests to do so because of forthcoming events it was planning. He stressed that the applicant was not looking for additional uses for the site under this application and it was unreasonable to conflate this application with the 2019 application. In response to Councillor Hawkes, he clarified that there was no noise monitoring equipment on site and the noise abatement notice relied upon measurements being taken outside the circuit. He added that the noise management plan attached to the 2019 application sought to impose a variation to a noise monitoring model similar to that used at Goodwood.

RESOLVED: (a) That Application No DOV/22/00699 be APPROVED subject to the following condition:

(i) List of approved plans.

(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.

163 APPEALS AND INFORMAL HEARINGS

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

164 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken.

The meeting ended at 8.32 pm.