

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 12 March 2020 at 6.02 pm.

Present:

Chairman: Councillor J S Back

Councillors: M Bates
D G Beaney
E A Biggs
J P J Burman
D G Cronk
N S Kenton
O C de R Richardson
H M Williams

Officers: Principal Planner
Principal Planner
Principal Planner
Senior Planner
Senior Planner
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/19/00721	Mr Clive Tidmarsh	Ms Amanda Brinicombe
DOV/19/01112	Mr Karl Elliott	-----
DOV/18/00681	Mr David Bedford	Mr Paul Carter
DOV/19/00216	Mr Ben Lowry	Councillor P D Jull Mr Derek Wanstall

102 CHAIRMAN'S ANNOUNCEMENT

The Chairman welcomed members of the public and explained the meeting procedures. He also requested that any members of the public who had visited category 1 or category 2 countries in the previous two weeks should consider whether they needed to be present in the light of Government advice about Coronavirus.

102 CHAIRMAN'S ANNOUNCEMENT

The Chairman welcomed members of the public and explained the meeting procedures. He also requested that any members of the public who had visited category 1 or category 2 countries in the previous two weeks should consider whether they needed to be present in the light of Government advice about Coronavirus.

103 APOLOGIES

It was noted that apologies for absence had been received from Councillors T A Bond, D P Murphy and R S Walkden.

104 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors M Bates and N S Kenton had been appointed as substitute members for Councillors R S Walkden and D P Murphy respectively.

105 DECLARATIONS OF INTEREST

There were no declarations of interest.

106 MINUTES

In respect of the minutes of the meeting held on 13 February 2020, the Democratic Services Officer advised that the reference to the application number under Minute No 99 was incorrect and should read Application No DOV/19/00642. Subject to this amendment, the minutes of the meetings held on 30 January and 13 February 2020 were approved as correct records and signed by the Chairman.

107 ITEMS DEFERRED

Members noted that the one deferred item was not for consideration at the meeting.

108 APPLICATION NO DOV/19/00721 - 4 MILL LANE, SHEPHERDSWELL

Members viewed CGI images, drawings, plans and photographs of the application site which lay outside (but adjacent to) the settlement confines and in a conservation area. The Senior Planner advised that the application sought planning permission for the erection of two pairs of semi-detached dwellings and a detached Eco home. Since the report was published, additional representations had been received, with six objections to the revised plans and two in support. Members were advised that a previous outline application for a different scheme had been refused in 2018.

The site was situated on the main route through Shepherdswell, and therefore afforded easy access to the facilities offered by the village. Following discussions with the applicant, significant changes had been made to the frontage of the proposed houses to ensure that their design and impact were appropriate for a rural village location. In addition, two accesses had been replaced by one, and the number of parking spaces had been reduced from thirteen to eight. The Eco house took advantage of a natural slope in the land, such that it would not appear as an incongruent or obtrusive feature within the site. The separation distances between the proposed dwellings and neighbouring properties were sufficient to ensure that there would be no overlooking or loss of privacy. In contrast to the previous application, there would be no conflict with a mature beech tree which would be protected by the imposition of a condition relating to construction methods. Overall, it was now a much-improved scheme that would not be detrimental to the visual amenities of the landscape or neighbouring properties.

In response to Councillor O C de R Richardson, the Principal Planner advised that, whilst the installation of electrical charging points was not a standard condition, it could be imposed if Members wished. It was clarified that the removal of permitted development rights for windows and walls would enable the Local Planning Authority (LPA) to exercise some control to ensure that any future changes were in keeping with the location.

RESOLVED: (a) That Application No DOV/19/00721 be APPROVED subject to the following conditions:

- (i) Time limit for implementation;
- (ii) Approved plan numbers;
- (iii) Submission of construction management plan;
- (iv) Submission of materials samples;
- (v) Details of slab levels;
- (vi) Retention of parking/turning spaces;
- (vii) Submission of landscaping details;
- (viii) Submission of tree protection measures.
- (ix) Environmental Health - contamination mitigation;
- (x) Environmental Health – No burning of materials at the site;
- (xi) Environmental Health – Demolition hours;
- (xii) Submission of details of ecological enhancements 19.8.19;
- (xiii) Removal of permitted development rights – windows in roof;
- (xiv) Removal of permitted development rights in relation to side windows;
- (xv) Removal of permitted development rights – front walls;
- (xvi) Joinery details (including porches);
- (xvii) Drawings 1:10 of proposed eaves/string courses/plinth details;
- (xviii) Details of positions of flues/vents/meter boxes;
- (xix) Refuse details;
- (xx) Electrical charging points.

(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, and to draft and issue a Statement of Reasons.

APPLICATION NO DOV/19/01112 - THE WHITE CLIFFS HOTEL, HIGH STREET,
ST MARGARET'S-AT-CLIFFE

The Committee was shown drawings, plans and photographs of the application site which was within the village confines and a conservation area. The Principal Planner advised that the application sought planning permission for the erection of two dwellings, and the conversion and change of use of two annexe buildings, along with the creation of a gated entrance. As an update to the report, Members were advised that additional plans had been submitted to clarify the distance between the site boundary and the rear elevation of Groves Cottage, this being between 2.176 and 2.72 metres, and the distance between the two-storey portion of unit 2 and Groves Cottage which was 8.329 metres and not as stated in the report. Four additional public representations had been received, referring to: no need for more houses; additional plans did not resolve anything; application should be considered with listed building consent; incorrect to claim that there was a range of places to eat in the village and the loss of the hotel bar/restaurant would affect its vitality.

The Principal Planner directed Members to the three main elements of the development which were the new entrance gate from Cripps Lane, the erection of two new houses in the rear car park and the conversion of two existing annexes. Planning permission had previously been granted for the erection of a single dwelling at the rear of the site, and the principle of development was therefore considered acceptable. The scheme as originally submitted had proposed the erection of a terrace of three dwellings. However, amendments now meant that there was greater separation between the new-build houses and Groves Cottage. Whilst parking provision for the new dwellings was to the required standard, there would continue to be an under-provision for the hotel's use, albeit that the hotel's operation was being scaled back and the bar/restaurant would no longer be open to visitors. Officers were of the opinion that the new dwellings would generate fewer traffic movements than the hotel use.

In response to questions raised by Councillors D G Cronk and H M Williams, the Principal Planner advised that tree pits were to be provided for new tree planting. The trees would probably be 2/3 years old and would be subject to conditions. The provision of disabled parking was an issue for the hotel's management. Whilst the annexes and the new dwellings would have their own parking spaces, the parking condition could be amended to safeguard these. Furthermore, a condition would be imposed to ensure that the hotel's bar and restaurant facilities would not be open to external visitors. The enforcement of this condition would rely upon the reporting of breaches. If Members were so minded, electrical charging points could be conditioned. In response to Councillor Richardson who expressed concern that Officers were going against the advice of the Council's Tree Officer, the Principal Planner emphasised that the trees to be removed were in poor condition and would be replaced by new trees at the front of the site. The arboricultural report was from a reputable firm of tree consultants - although it was not clear whether the Tree Officer had had sight of it when making his comments.

RESOLVED: (a) That Application No DOV/19/01112 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) List of approved plans;
- (iii) Material samples;

- (iv) Materials for means of enclosure and hard surfacing;
- (v) Joinery details;
- (vi) Landscaping scheme – including new tree planting;
- (vii) Construction Management Plan;
- (viii) Surface water drainage details;
- (ix) Parking spaces – provision, retention, marking/designation and provision of one disabled bay;
- (x) Provision of two electrical charging points;
- (xi) Removal of permitted development rights – extensions, alterations to roof, additional windows;
- (xii) Dealing with unanticipated contamination;
- (xiii) Submission of details of refuse bin storage;
- (xiv) Rooflight to be flush with plane of roof;
- (xv) Tree protection – protective fences, details of foundations, need for hand-digging in sensitive areas;
- (xvi) Restrict use of bar and restaurant to resident guests only;
- (xvii) Bicycle parking.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the report and as resolved by the Planning Committee, and to draft and issue a Statement of Reasons.

(c) Informatives to be added to the decision notice to reflect comments from Southern Water and Kent County Council Highways.

110 APPLICATION NO DOV/19/00947 - TONKERS, HAWKSDOWN ROAD, WALMER

Members were shown an aerial view, drawings, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of seven detached dwellings on land currently occupied by a property known as Tonkers which would be demolished. Since the report was published, concerns had been raised about the impact on trees at a property known as Cedar Rise. These concerns were addressed in the report. Minor amendments to the report recommendations were also required to include reference to a legal agreement and affordable housing financial payment.

The original plans had been amended to re-orientate plots 4 and 5. Of note was the presence of two cypress trees, one of which would be the subject of a condition that

required an arboricultural statement. As referred to in paragraph 3.34 of the report, no update on floor space had been received. However, the applicant estimated that the affordable housing contribution would be £147,800. It was proposed that this issue should be delegated to Officers to resolve, with a view to ensuring that an acceptable contribution was made. All other infrastructure requirements, as set out in paragraphs 3.35 and 3.36 of the report, had been agreed by the applicant.

In response to Councillor Cronk, it was clarified that a Tree Preservation Order was not appropriate because the cypress trees were owned by a third party and not of wider public benefit. However, the method statement required details of tree works to be submitted in advance, and sought to maintain the long-term health of one of the trees. Councillor Edward Biggs expressed disappointment that the affordable housing contribution was not higher given the quality of the development. The Principal Planner explained that the Council's housing team had been consulted on the allocation of this money. Moreover, the addendum to the Affordable Housing Supplementary Planning Document defined how financial contributions should be calculated. In this case, it was 5% of the estimated total sales value of the proposed dwellings, with a deduction made for the floor space of Tonkers, the existing property.

RESOLVED: (a) That Application No DOV/19/00947 be APPROVED, subject to a legal agreement to secure necessary planning obligations, including an affordable housing financial payment, and the following conditions:

- (i) Time limit;
- (ii) Plans;
- (iii) Materials;
- (iv) Hard and soft landscaping, means of enclosure, gates;
- (v) Site sections;
- (vi) Details of earthworks and regrading;
- (vii) Arboricultural method statement, including details of foundations at plots 5, 6 and 7;
- (viii) Provision of visibility splays prior to use of site commencing;
- (ix) Pedestrian visibility splays;
- (x) Widening of vehicle crossover prior to works commencing;
- (xi) Access gradient;
- (xii) Bound surface;
- (xiii) Parking, garaging and turning areas;

- (xiv) Bicycle parking;
- (xv) Surface water drainage scheme;
- (xvi) No surface water onto highway;
- (xvii) Refuse and recycling bins;
- (xviii) Permitted development restrictions – A (alterations and extensions), B (extensions to roofs), E (outbuildings) and F (hard surfaces);
- (xix) Archaeology;
- (xx) Biodiversity enhancement scheme;
- (xxi) Construction Management Plan.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to resolve the details of the legal agreement and affordable housing financial payment, and to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

111 APPLICATION NO DOV/18/00681 - FORMER KUMOR NURSERY AND 121 DOVER ROAD, SANDWICH

The Committee viewed an aerial view, drawings, plans and photographs of the application site which was a former plant nursery and outside the settlement confines of Sandwich. The Principal Planner advised that a previous application, for the erection of 67 dwellings, had been refused and subsequently dismissed at appeal. The reason for refusal and the findings of the Planning Inspector were set out at paragraphs 1.4 and 1.5 of the report.

Since that time, the applicant had worked with the Council and, as a result, the scheme before the Committee had changed significantly. The number of dwellings had been reduced to 56. There would be an enhanced landscape buffer at the north-western edge of the site to mitigate the visual impacts of the development. In particular, the visual impact from Public Right of Way (PROW) ES08 had been addressed by the reduction in the number of dwellings which allowed a decrease in density towards the peripheries of the site. Whilst there would be longer views from Woodnesborough Road, these were considered acceptable, particularly as planning permission had been granted for a parcel of land adjacent to Woodnesborough Road which would alter the context of the proposed site. To reduce the prominence of the dwellings, six single-storey bungalows had been introduced. A number of financial contributions were to be made, including payments towards primary and secondary schools, youth services and social care, all of which would be secured by a legal agreement. 30% affordable housing would also be provided on site.

In respect of highways, Members were advised that, whilst Dover Road narrowed towards the junction with Deal Road, there was good visibility at the junction. The previous scheme had not been refused on highway grounds, and Kent County Council (KCC) Highways had raised no objections to the current application. Members were reminded that, whilst the site was outside the settlement confines, it was in a sustainable location, close to the facilities of Sandwich. Furthermore, the

Development Plan policies that were considered to be most important for the determination of the application were now considered to be out-of-date, and the tilted balance described at paragraph 11 of the National Planning Policy Framework (NPPF) was therefore engaged. This meant that planning permission should be granted unless the adverse impacts of the development would significantly and demonstrably outweigh its benefits when assessed against the NPPF as a whole. Officers considered that the benefits of the development were considerable and not outweighed by the adverse impacts. Approval was therefore recommended.

In response to a suggestion from Councillor D G Beaney, the Principal Planner agreed that the applicant could be required to build the internal road to an adoptable standard. As for the access road, it could be required that the final surface of the road was laid once construction traffic was off the site. He clarified that the applicant had worked with the Council's ecologist to find alternative, suitable sites for the relocation of reptiles. A legal obligation would ensure that the animals would be adequately translocated and accommodated off site.

In response to concerns raised by Councillors Cronk and Williams, the Principal Planner advised that the construction management plan would include details of vehicles visiting and leaving the site. Whilst the highway works would need to be carried out prior to first occupation, it would not be reasonable to require them to be completed before construction commenced. In terms of highway safety, the road could not accommodate a traffic island due to its width but it was, in any case, generally lightly trafficked. It was worth noting that there had been no personal injury crashes along the road in the past five years. No highway safety issues had been identified and a 20mph limit could not therefore reasonably be required. The scheme would be subject to a highway safety audit and works could be carried out if problems were subsequently identified. It was confirmed that the affordable housing mix had been agreed with the Council's strategic housing manager who was of the view that it fulfilled the need for housing in Sandwich.

It was clarified that there would normally be a 5-year retention and maintenance requirement on trees that were part of the landscaping scheme. However, this could be increased to 10 years or longer if Members deemed it necessary to make the development acceptable.

Whilst acknowledging what had previously been considered, Councillor Biggs expressed concerns about the access and the development's impact on the road. He was of the opinion that a site visit would be helpful.

In response, the Principal Planner reminded Members that the previous application had been for 11 more dwellings and, in that case, the previous refusal had not cited highway impacts. Furthermore, the Planning Inspector had concluded that highway safety and parking matters weighed neither in favour nor against the scheme. The reduction in units would lead to fewer traffic movements and the previously proposed highway works would be there to mitigate their impact. It was therefore difficult to understand what useful information could be gathered by Members viewing the access and road, particularly when 121 Dover Road had not yet been demolished.

In response to Councillor N S Kenton, the Principal Planner explained that the reasons for considering some of the Development Plan's policies to be out-of-date in this instance, namely DM1 and DM11, were complex. The blanket presumption against development in the countryside meant that DM1 and DM15 were considered to be inconsistent with the NPPF. The fact that the Council's housing requirement

had now increased significantly beyond that planned for in 2010, when the policies were adopted, meant that, as a matter of fact, the policies were not up-to-date. Policy DM11 was also considered to be in tension with the latest guidance on opportunities for sustainable travel in rural areas contained in the current NPPF.

It was noted that the Council could currently demonstrate a five-year housing land supply and that it had delivered more than 75% of the homes needed. However, this did not mean that the tilted balance could not be engaged for other reasons. As a matter of judgement (and having regard to the legal advice), it was considered that the Council's policies that were most important for determining the application were inconsistent with the NPPF which took a nuanced approach that was particularly pertinent when development sites were adjacent to the confines. Although the NPPF looked to protect the intrinsic character and beauty of the countryside against the negative impacts of development, it had to be remembered that planning permission had been granted for a site adjacent to this one. Moreover, the proposed landscape buffer would mitigate, if not enhance, the appearance of the development and protect the countryside. The site in question was a sustainable one, with cycle and pedestrian access to Sandwich's facilities. No significant harm had been identified by any of the statutory consultees and, using the tilted balance approach, approval was recommended on the basis that the adverse impacts did not significantly and demonstrably outweigh the benefits of the development.

It was clarified that it would not be reasonable to require highway works to be completed prior to construction (as was the case with the Cross Road development) since the works were not necessary to make construction safe. In response to Councillor M Bates, the Principal Planner advised that the cumulative effect of this and the Woodnesborough Road site would have been taken into account – although the two sites would access onto different roads.

It was moved by Councillor E A Biggs and duly seconded that a site visit be held to enable Members to visually assess the access and the potential impact on the road.

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

It was moved by Councillor D G Beaney and duly seconded that Application No DOV/18/00681 be APPROVED subject to the internal road being built to a KCC-adoptable standard, and the retention and maintenance of trees on the site for 20 years.

On being put the vote, the motion was CARRIED.

RESOLVED: (a) That, subject to a Section 106 legal agreement to secure any necessary planning contributions, provision of affordable housing and contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy, Application No DOV/18/00681 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Details of measures to prevent surface water run-off onto the highway;

- (iv) Provision and retention of car parking and turning space;
 - (v) Details of bicycle storage;
 - (vi) Details of electric vehicle charging points;
 - (vii) Provision of access road and highway works;
 - (viii) Full details of carriageways, footways, visibility splays, drainage, street lighting and other associated highway works within the site;
 - (ix) Internal road to be built to an adoptable standard;
 - (x) Demolition and construction management plan;
 - (xi) Foul drainage details;
 - (xii) Surface water drainage;
 - (xiii) Programme of archaeological works;
 - (xiv) Details of all external lighting;
 - (xv) Protection of existing trees and hedges to be retained;
 - (xvi) Trees to be retained and maintained for 20 years;
 - (xvii) Implementation of an approved landscaping scheme;
 - (xviii) Samples of materials;
 - (xix) Contaminated land site investigation and risk assessment, including remediation and verification as necessary;
 - (xx) Not previously identified contamination;
 - (xxi) Removal of permitted development rights for means of enclosure to north-western and south-western boundaries;
 - (xxii) Ecological enhancements.
- (b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a Section 106 agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.

112 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.20pm for a short break and reconvened at 8.27pm.

The Committee was shown plans and photographs of the application site which was the subject of an outline application for the erection of up to 42 dwellings, with all matters reserved except for access.

The Principal Planner advised that an additional representation had been received from Sholden Parish Council raising objections to the Council's policy position. Members were referred to the briefing note that had been circulated to them in February which reported that legal advice had been sought which had identified inconsistencies between the Council's planning policies and the NPPF. In particular, it confirmed that the blanket protection afforded to the countryside through Policy DM1 and the application of settlement boundaries, especially on sites close to or adjoining existing settlements, was inconsistent with the NPPF. Moreover, the settlement boundaries themselves were judged to be outdated, having been formulated in the context of a now superseded housing requirement – currently 629 dwellings per annum in contrast to the 505 dwellings per annum required when the Core Strategy was adopted. For these reasons, it was considered that Policy DM1 should be afforded limited weight. As a correction to the report, it was acknowledged that there was no railway station in Sholden, the nearest being Deal station.

Members were advised that the site lay outside, but adjoining, the settlement confines of Sholden. Limited details had been provided at this stage, but it was likely that the indicative site layout would require amendments at the reserved matters stage. It was predicted that the development would generate 19 two-way movements in peak hours, a number that was not expected to affect the Manor Road roundabout significantly. Whilst it would not be possible to provide a right-hand turning lane into the site from London Road, a road safety audit had been carried out and the highway proposals were considered to be acceptable by KCC Highways. A visual impact assessment submitted by the applicant had been assessed by an independent landscape consultant and found to be satisfactory. An ecological appraisal had been submitted which identified measures to be taken on site that would offer improvements for fauna and flora on the site. Finally, the applicant had agreed to meet all the financial contributions requested, including the 30% affordable housing element which would be covered by a Section 106 agreement.

Councillor Richardson queried a reference made to the development being 100% affordable housing. He requested that electrical charging points and solar panels be conditioned, as should visibility splays for the Miners' Way footpath. He noted that Kent Archaeology had requested that a field evaluation be carried out. He went on to state that the application should be brought back to the Committee at the reserved matters stage with which the Chairman agreed. The Principal Planner advised that the reference to 100% affordable housing had been a comment made by the applicant some months previously. The scheme had not been formally amended and was as submitted. The visibility splays had been included in conditions, and the other issues raised, such as sustainable features, could be conditioned at the reserved matters stage. Likewise, the archaeology aspects could be addressed at reserved matters.

Councillor Cronk raised concerns about the cumulative impact of this and the Cross Road development on the local road network. He was also sceptical that the absence of a right-hand turning lane would not lead to accidents. Councillor Bates

referred to concerns raised by the Council's waste team regarding access by waste vehicles. The Principal Planner reminded Members that the means of access had already been fully assessed and KCC Highways had raised no concerns, including in relation to access by refuse vehicles. She added that the mix of housing would be determined at the reserved matters stage.

RESOLVED: That, subject to a Section 106 legal agreement to secure necessary planning contributions, Application No DOV/19/00216 be APPROVED subject to the following conditions:

- (i) Reserved matters details;
- (ii) Outline time limit;
- (iii) Approved plans;
- (iv) Existing and proposed site levels and building heights;
- (v) Ecological mitigation, enhancement and recommendations implemented and maintained;
- (vi) Construction Management Plan;
- (vii) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage and electric vehicle charging points);
- (viii) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme);
- (ix) Landscaping details and maintenance of green spaces;
- (x) Protection of trees and hedges;
- (xi) Hard landscaping works and boundary details/enclosures;
- (xii) Reporting of unexpected land contamination;
- (xiii) No works on site until final SuDS details are submitted;
- (xiv) Design details of surface water drainage strategy;
- (xv) Implementation and verification of SuDS scheme;
- (xvi) Environmental Construction Management Plan;
- (xvii) Internal acoustic requirements for dwellings;
- (xviii) Programme of archaeological works/excavation;

(xix) Details to be submitted at reserved matters for compliance with Secured by Design principles.

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

114 APPEALS AND INFORMAL HEARINGS

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

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

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 8.57 pm.