

Minutes of the meeting of the **PLANNING COMMITTEE** held remotely on Thursday, 29 October 2020 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
P M Brivio
O C de R Richardson
H M Williams
C F Woodgate

Officers: Principal Planner
Senior Planner
Senior Planner
Planning Officer
Planning Consultant
Trainee Planner
Planning Solicitor
Democratic Services Manager
Democratic Services Officer

The following persons submitted written statements which were read out by the Democratic Services Manager in lieu of public speaking:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/20/00524	Mr D Wilkins	Mrs Susan Barton
DOV/20/00933	Mr Gordon Kitney	Mr Steve Greener
DOV/20/00368	Mr Malcolm Paice	-----
DOV/20/00468	Angus Brown Architects	-----
DOV/19/01339	Mr Nigel Brown	Mrs Bridget Ransom
DOV/19/00955	Mr Andy Godden (Kent Leisure Parks) Councillor Trevor Bartlett	-----

47 APOLOGIES

It was noted that an apology for absence had been received from Councillor D G Cronk.

48 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor P M Brivio had been appointed as a substitute member for Councillor D G Cronk.

49 DECLARATIONS OF INTEREST

There were no declarations of interest.

50 MINUTES

The minutes of the meeting held on 3 September 2020 were approved as a correct record and signed by the Chairman.

51 ITEMS DEFERRED

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

52 APPLICATION NO DOV/20/00524 - THE MANOR, 22 THE STREET, WEST HOUGHAM

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was in an Area of Outstanding Natural Beauty (AONB). The Planning Consultant advised that the application sought planning permission to extend and convert an existing double garage into a two-bedroom dwelling. Members would need to attach great weight when considering whether the proposal conserved and/or enhanced the landscape character and scenic beauty of the AONB. They would also need to be mindful of its immediate context in the street scene and the proposal's impact on the closest residential properties.

Whilst the existing building would be enlarged, it would retain its front building line and be extended upwards and to the rear. The building would not be extended closer to the rear boundary than the buildings either side of it, nor would it be higher than those properties. In effect, the dwelling would be well contained within the street scene. Although the dwelling would be higher than the existing garage, the side elevation and highest part of the roof would be a sufficient distance from the side windows, door and garden of Malt House, the adjacent property, to avoid any overbearing or dominant impact. To address concerns about overlooking to Barley House, the bedroom window on the first floor would be v-shaped, obscure glazed and fixed shut. Officers had concluded that the proposal would not be harmful to the character and landscape of the AONB, nor to the street scene or residential amenity of other properties, and approval was therefore recommended.

In response to Councillor D G Beaney, the Planning Consultant confirmed that a sun assessment had not been considered necessary. The scale of the proposed dwelling and the separation from Malt House were considered sufficient. He confirmed that there were no concerns in relation to the dormer window which would serve a bathroom.

RESOLVED: (a) That Application No DOV/20/00524 be APPROVED subject to the following conditions:

- (i) 3-year time limit to commence development;
- (ii) Development to be in accordance with submitted drawings;
- (iii) Full details to be submitted of how the development will dispose of foul and surface water drainage;
- (iv) Proposed development to be carried out in accordance with the submitted materials for the external finishes of the building;

- (v) The access, parking spaces and refuse storage areas to be provided and retained as shown;
 - (vi) Covered sheltered cycle spaces to be submitted for approval and retained;
 - (vii) Obscure glazing to be provided within the front window and for it to be fixed shut;
 - (viii) No additional windows on the building to be permitted;
 - (ix) Permitted development rights removed to extend, alter the roof or to erect an outbuilding;
 - (x) Boundary enclosures to be submitted for approval;
 - (xi) Construction Management Plan to be submitted for approval.
- (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.

53 APPLICATION NO DOV/20/00933 - THE OLD RECTORY, MONGEHAM CHURCH CLOSE, GREAT MONGEHAM

Members viewed an aerial view, plans and photographs of the application site. The Trainee Planner advised that the application sought planning permission for the erection of a gazebo in the walled garden of a Grade II-listed property. The gazebo would be of a faux classical style and used as a seating/eating area for Bed & Breakfast guests and family members. With a distance of 30 metres between the gazebo and the house, and the wall behind the gazebo being 2.45 metres in height, it was unlikely that the structure would be seen when entering the curtilage of the property. Moreover, there was unlikely to be an impact on the nearby church or in views from the Public Right of Way (PROW) which was 265 metres away. She added that there was an outstanding application for a change of use of the property as a wedding venue.

Councillor E A Biggs commented that the design of the gazebo appeared incongruous in relation to the house which was Georgian. Councillor O C de R Richardson agreed and, referring to complaints, queried whether the gazebo could be reduced in height so it was not visible above the garden wall. The Trainee Planner advised that Members were required to consider the application before them. Due to the distance between the gazebo and the listed building, Officers had not considered the design of the structure to be a key consideration.

In response to suggestions that the use of the gazebo should be restricted, the Principal Planner emphasised that the application before Members was solely about the erection of the proposed structure and not about the use of the gazebo which was ancillary to the existing house. The change of use of the venue would be considered as part of the other application. He added that the proposed style of the gazebo was simple in form and would not compete with the character of the Georgian house. Furthermore, the gazebo would not be seen from or affect the house in any way due to the distance. It should be remembered that buildings

within curtilages were not expected to copy the style of the main building, and, in fact, a difference in design aided their visual separation. He clarified that it was not necessary to impose a condition to restrict the use of the gazebo as the house was currently used as a guest house and the structure could only be used for purposes that were ancillary to that use.

RESOLVED: (a) That Application No DOV/20/00933 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) Approved drawings;
- (iii) Materials and finish, including colour;
- (iv) Levels.

(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.

54 APPLICATION NO DOV/20/00368 - SUTTON VALE CARAVAN PARK AND COUNTRY CLUB, VALE ROAD, SUTTON, DOVER

The Committee was shown maps, drawings, a plan and photographs of the application site which was situated outside the settlement confines and within the countryside. The Planning Officer advised that the application sought planning permission for the construction of a new vehicular access at a caravan park which was partly situated in the Sutton Conservation Area. The new gate would be set back 23.4 metres from the highway, with sight lines of 2.4 metres by 114 metres to the north-east and 2.4 metres by 118 metres to the south-west. The application had been the subject of consultation with Kent County Council (KCC) Highways which had raised no objections in terms of highway safety, and appropriate conditions were proposed. The Council's Heritage Officer had indicated that the proposal would not cause harm to the character and appearance of the conservation area. Due to its siting, scale and design, Officers considered that the proposal was unlikely to cause harm to the character and appearance of the countryside. Approval of the application was therefore recommended.

Councillor Richardson commented that the additional access would relieve pressure on the existing entrance. He suggested that a condition should be added for the replacement of lost trees. In response to Councillor D G Cronk, the Planning Officer advised that it would not be possible to designate the new road as the main access into the site under this application. She confirmed that no additional lighting or signage had been proposed as part of the application.

RESOLVED: (a) That Application No DOV/20/00368 be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) List of approved plans;

- (iii) Details of soft and hard landscaping and schedule of planting showing location, species and size of new trees and planting in accordance with the recommendations of the arboricultural report (including the replacement of lost trees);
 - (iv) Submission of an arboricultural method statement;
 - (v) Development shall be carried out in such a manner as to avoid damage to the existing trees, their root systems and other planting;
 - (vi) Provision of measures to prevent the discharge of surface water onto the highway;
 - (vii) Use of a bound surface for the first 5 metres of the access from the edge of the highway;
 - (viii) Completion of the necessary vehicle crossing in the highway prior to the use of the access commencing;
 - (ix) Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- (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.

55 APPLICATION NO DOV/20/00468 - 62 CANTERBURY ROAD, LYDDEN

The Committee viewed an aerial view, drawings, plans and photographs of the application site which was within the settlement confines of Lydden. The Planning Officer advised that the proposal sought planning permission for the erection of two detached dwellings with associated parking and access works. The existing bungalow and garage were to be demolished. Two parking spaces would be provided for each dwelling. It was proposed to install a higher fence between the application site and 60 Canterbury Road which would improve existing levels of privacy. The proposal was in keeping with other properties in the road which had been extended and altered in some way, including the introduction of dormer windows. Considerations surrounding the impact on the residential amenity of neighbouring properties were set out in paragraphs 2.6 to 2.11 of the report. On balance, it was considered that the proposal was unlikely to harm the residential amenity of these properties, and would preserve the varied character and appearance of the street scene.

In response to Councillor M Bates, the Planning Officer clarified that the separation distance between the proposed dwellings and No 60 would be increased by 0.2 metres. She advised that if Members wished to see electric vehicle charging points installed, it would be appropriate to condition that the wiring for these be installed. This would be cheaper and less onerous for the applicant, and recognised the fact that there were different types of charging points.

RESOLVED: (a) That Application No DOV/20/00468 be APPROVED subject to the following conditions:

- (i) Standard time condition;
 - (ii) List of approved plans;
 - (iii) Samples of materials;
 - (iv) Details of measures to prevent discharge of surface water onto the highway;
 - (v) Pre-commencement scheme for the disposal of foul sewage;
 - (vi) Pre-commencement details of site drainage works for the disposal of surface water;
 - (vii) Provision, surfacing and drainage and retention of vehicle parking spaces;
 - (viii) Bound surface of first 5 metres of vehicle access;
 - (ix) Completion of the access and vehicle crossing prior to use;
 - (x) Provision and maintenance of a visibility strip measuring 2.4 metres in width from the edge of the carriageway along the site frontage with no obstructions over 1 metre above carriageway level within the splays;
 - (xi) Provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each access with no obstructions over 0.6 metres above footway level;
 - (xii) Retention of boundary hedgerows and replacement where damaged (within 5 years of completion of development);
 - (xiii) Completion of hard and soft landscaping;
 - (xiv) Details of secured bicycle storage to be installed prior to first occupation;
 - (xv) Provision of refuse/recycling storage shown on plans;
 - (xvi) Bathroom and WC windows to be fitted with obscured glazing and be non-opening below 1.7 metres above internal floor level;
 - (xvii) Provision of wiring for electric vehicle 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 report and as resolved by the Planning Committee

56 APPLICATION NO DOV/19/01339 - 3 MIDDLE DEAL ROAD, DEAL

Members were shown drawings, plans and photographs of the application site which lay within the settlement confines of Deal. The Planning Officer advised that planning permission was sought for the erection of four dwellings with parking and bin stores. As an update to the report, concerns had been raised about flooding and the dangerous access, matters which had been fully considered within the report. The proposal was considered acceptable in respect of its impact on the street scene. There would be no sleeping or living accommodation on the ground floor which reflected the site's location in a flood zone. The recommendation to refuse the application was due to the scheme's scale, height and separation distance from 5 Middle Deal Road which would result in a severe sense of enclosure to the occupiers of that property.

Councillor Biggs referred to the overbearing nature of the proposed building, and agreed that it would have an unacceptable impact on the garden of No 5. In his view it was possible to build a better scheme on the site. Councillor H M Williams commented that the proposed dwellings jarred with the surrounding historic terraces and looked out of proportion in the wider area. Whilst the design was acceptable, it was not right for this site. She also had concerns about the dangerous access and the high levels of traffic in the area. Councillor Bond requested clarification on why the application was not also considered to be unacceptably overbearing in relation to the gardens of Nos 7 and 9 Middle Deal Road. He also raised concerns about the number of windows facing Nos 5, 7 and 9. In terms of flooding, whilst it was a small development, any additional foul sewage entering the network could add to existing problems.

In response to Councillor Bates who raised concerns about the lack of parking provision, the Planning Officer advised that the degree of weight attributed to parking provision could be reduced where the site was in an urban, sustainable location, e.g. close to shops and public transport links. Whilst the development was likely to increase pressure for on-street parking spaces, this was unlikely to cause severe harm to the local road network or affect highway safety. In terms of flooding, she advised that the site was currently covered with more hardstanding than was proposed in the new development. The proposed scheme would help to control surface water drainage and conditions would be agreed with Southern Water. The Environment Agency had considered the applicant's flood risk assessment and sequential test and had raised no objections.

Members were advised that, to address concerns raised during the application process about the potential loss of privacy, the applicant had made all windows from first-floor level upwards obscure glazed. Whilst there would be some overlooking to Nos 5, 7 and 9, Officers did not consider that this was sufficient to warrant refusal. The visual impact was also considered acceptable, bearing in mind that the site had previously been used as a builders' yard. Councillor Bond responded that the application should also be refused on the grounds that it was an overdevelopment due to its size and scale. Councillor Richardson agreed, stating that the design was unacceptable and not in keeping with the area.

To address some confusion arising from the wording of the report, the Principal Planner clarified that the proposal was acceptable when assessed against subparagraphs (a) to (e) of Paragraph 127 of the National Planning Policy Framework

(NPPF). However, it was not acceptable when assessed against sub-paragraph (f) of Paragraph 127 of the NPPF – the ground on which it was recommended planning permission should be refused. It could be argued that the design of the scheme and its impact on the character and appearance of the street scene would be no worse than that of the existing building and yard. It was for Members to weigh this up and make a judgement. He suggested that a potential additional reason for refusal could be the scheme's design.

Councillors R S Walkden and Beaney supported the proposal, arguing that it was likely to help the flooding situation in the area and would provide four new houses in a sustainable location. In their opinion, refusing the application on the basis of the development's impact on the garden of No 5 was a weak reason.

In response to a question on how the potential reasons for refusal could be perceived if there were to be an appeal, the Planning Solicitor pointed out to Members that the Planning Officer had exercised her planning judgement. However, it was possible that a Planning Inspector could come to a different conclusion. The primary consideration for Members was whether the reason for refusal was unreasonable. If Members found the proposal's design unacceptable, then that could be added as a reason for refusal. However, he cautioned against adding reasons which went contrary to the advice of statutory consultees without evidence to support them.

Councillor Bond clarified that he was unhappy with the design of the scheme. The builders' yard was unsightly, but this was an opportunity to replace it with something much better. He proposed that the application should be refused on the basis that it was not in accordance with sub-paragraphs (a), (b), (c) and (f) of Paragraph 127 of the NPPF.

RESOLVED: (a) That Application No DOV/19/01339 be REFUSED on the following grounds:

- (i) By virtue of the limited separation distance, scale and massing of the proposed dwellings, the proposed development would result in a severe sense of enclosure to the occupiers of 5 Middle Deal Road, such that the living conditions of the existing occupants would be unduly prejudiced. The proposed development would therefore be contrary to Paragraph 127 (f) of the National Planning Policy Framework.
 - (ii) The proposed building, by virtue of the location, scale and design, together with its relationship with adjoining properties, would create a cramped and congested form of development, out of character with the pattern of development within the area. Consequently, the development would fail to integrate into, and cause harm to, the character and quality of the area, contrary to Paragraph 127 (a), (b) and (c) of the National Planning Policy Framework.
- (b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any issues in line with the recommendation and as resolved by the Planning Committee.

APPLICATION NO DOV/19/00955 - LAND WEST OF DOG AND DUCK LEISURE PARK, PLUCKS GUTTER, STOURMOUTH

The Committee viewed a map and photographs of the application site which occupied a rural location outside any settlement confines, and in Flood Zones 2 and 3. The Senior Planner advised that planning permission was sought for a change of use of the land to the west of the park to enable the park to be increased in size, albeit retaining the same number of units. An additional 2.02 hectares would be added to the existing park area of 3.26 hectares. As a correction to the report, Members were informed that there was a total of 176 units on the site. The increase in size would achieve a lower density of units across the site, resulting in a higher standard of accommodation.

Policy DM1 of the Core Strategy did not permit development outside the settlement confines unless it was specifically justified by other development plan policies or functionally required such a location, or was ancillary to existing development or uses. However, the leisure park was a well-established business that had been at the site for several decades, and it could be argued that the proposal functionally required the rural location. A visual impact assessment had been submitted and Officers were satisfied that the proposal would not have a detrimental impact on the landscape.

Considerations relating to flood risk were set out in the report at paragraphs 2.11 to 2.21. The River Stour Internal Drainage Board had advised that water drained naturally from the site into the river. KCC, as the lead local flood authority, had recommended that conditions should be attached to any permission granted. As set out in the report, the Environment Agency (EA) had maintained its objection. However, the Local Planning Authority (LPA) was within its rights to take a view which was contrary to the EA's recommendation. Whilst development in a Flood Risk Zone 3b would ordinarily be refused, there were exceptional circumstances in this case, namely that there would be no increase in the number of caravans on the whole site, and the level of risk of flooding for the existing and proposed sites would be the same. Furthermore, granting permission would allow additional controls for flood management to be imposed across the whole site. Together with the modest economic benefits of the proposal, on balance it was considered that the particular merits of the proposal justified an exception being made to the usual restrictions governing development in a Flood Risk Zone 3b.

Councillor Richardson queried why a statutory consultee's advice was being ignored in this instance. He also requested that electric vehicle charging points be installed. The Senior Planner advised that the EA could not move from its in-principle objection. However, the LPA was able to look at the wider picture and, in this case, particularly the fact that there would not be an increase in the number of units. The Principal Planner added that the EA was duty bound to object where development was proposed in this type of flood zone. However, it had advised that the existing risk could be managed by covenants. The fact that there would be no increase in units was an exceptional circumstance taken into account by the LPA. In addition, the development of an evacuation plan which did not currently exist was a mitigating factor in the proposal's favour.

In response to Councillor Williams who raised concerns about flooding, the Senior Planner advised that the existing flood defences had been built in recent times. The people who used the park were owner/occupiers who had permanent places of residence elsewhere. She confirmed that the relevant authorities would be consulted on the flood management plan to ensure that it was robust. Councillor

Bond voiced concerns about encroaching onto rural land, the justification for which had not been demonstrated in his opinion. He was also doubtful about the LPA's ability to enforce any breach of the condition that limited the number of units. The Senior Planner reassured Members that, as the proposal was so finely balanced and of such a sensitive nature, there would be a Section 106 agreement to control the number of units. The Planning Solicitor confirmed that the agreement would be legally binding and enforceable, potentially by injunction if necessary. According to the applicant, the last incident of flooding had occurred in 2000.

In respect of charging points, the Principal Planner advised that there was insufficient policy support for their installation. Given that there would be no increase in units, it was questionable whether such a condition was necessary to make the development acceptable and, therefore, a reasonable one to impose. Whilst he sympathised with the proposal, the reality of providing wiring for 176 units was that there would be an increased energy demand which would possibly require a sub-station to support the infrastructure. It was suggested by Councillor Beaney that a central charging area could be provided. The Principal Planner agreed that this would be more palatable and less onerous for the applicant.

RESOLVED: (a) That, subject to the applicants or their successors entering into a legal agreement to ensure that there is no overall increase in the number of caravan units at the enlarged site, and the provision of a flood mitigation and management plan for the site, Application No DOV/19/00955 be APPROVED subject to the following conditions:

- (i) Time limits;
- (ii) Development in accordance with the approved plans;
- (iii) There shall be no increase in the number of caravans across the combined site (existing and proposed areas) in accordance with the agreed site licences;
- (iv) Landscaping scheme;
- (v) The use of caravans shall be for holiday accommodation only;
- (vi) Ecological mitigation and enhancement;
- (vii) Details of a sustainable surface water strategy, including verification of the completion of the works;
- (viii) Details of surface water infiltration.

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

58 APPEALS AND INFORMAL HEARINGS

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

59 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 9.40 pm.