

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 14 October 2021 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
C F Woodgate

Officers: Principal Planner
Planning Officer
Planning Officer
Planning Officer
Planning Consultant
Planning Solicitor
Democratic Services Officer

The following persons were also present and spoke in connection with the following applications:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/21/00881	-----	Mrs Lorraine Young
DOV/21/00524	-----	Mr Darren Ash
DOV/21/00805	-----	Mr Giuliano Laffranchi
DOV/20/00038	-----	Mr Martin Lead

60 APOLOGIES

It was noted that there were no apologies for absence.

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61 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

62 DECLARATIONS OF INTEREST

Councillor P D Jull made a Voluntary Announcement of Other Interests in relation to Agenda Item 12 (Application No DOV/21/00795 – 134 High Street, Deal) by reason that he, like the applicant, was a member of Deal and Walmer Chamber of Trade. He also stated that he knew some of the objectors. However, he was of the view that none of these persons was an ‘Associated Person’ for the purposes of the Kent Model Code of Conduct.

63 MINUTES

The minutes of the meeting held on 16 September 2021 were approved as a correct record and signed by the Chairman.

64 ITEMS DEFERRED

The Chairman advised that the applications listed remained deferred.

65 APPLICATION NO DOV/21/00888 - THE WHITE HORSE, CHURCH HILL, EYTHORNE

The Committee was shown a map, plans and photographs of the application site which was within the settlement confines of Eythorne. The Planning Consultant advised that the application sought planning permission for a change of use from a bed and breakfast to a children's residential care home, accommodating up to four children. The building was Edwardian in style and had formerly been a public house. As well as the garage, the outbuildings would be demolished to increase the outside area for exercise and fresh air. The applicant had confirmed that the building would be refurbished, with some windows replaced and the side porch removed. As an update to the report, Members were advised that there would be a maximum number of six staff on site at any one time. A total of twelve staff would be employed altogether, of whom four would be at entry level with no qualifications.

Councillor M Bates welcomed the proposal, noting the high level of supervision and the generous parking provision of seven spaces. In response to Councillor D G Cronk, the Planning Consultant advised that any further development would require planning permission as there were no permitted development rights.

RESOLVED: (a) That Application No DOV/21/00888 be APPROVED subject to the following conditions:

- (i) In accordance with approved plans;
- (ii) The use of the building to be limited to up to 4 children at any one time;
- (iii) Parking spaces as shown on the approved plans shall be provided before first use and retained thereafter;
- (iv) Details of cycle, refuse and recycling facilities to be submitted for approval and implemented before first use.

(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.

66 APPLICATION NO DOV/21/00881 - LAND AT 67 CANTERBURY ROAD, LYDDEN

Members viewed drawings, a plan and photographs of the application site which fell partly within and partly outside the settlement confines of Lydden and within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Planning Consultant advised that the application sought partly retrospective planning permission for the

erection of a single storey outbuilding with decking, steps and railings. As an update to the report, he advised that comments had been received regarding the construction of the building. His understanding was that the existing ground levels had not been changed, but the outbuilding had been erected and raised off the ground where necessary to accommodate the change in topography. The outbuilding would have the greatest impact on No 69 whose garden was about a metre lower than the application site. He referred to an email that had been circulated by the owner of No 69 to members of the Committee.

The Committee was advised that the parts of the garden of the application property that went up the hillside fell outside the village confines. Concerns had been raised about overlooking and loss of privacy. Whilst it was accepted that the outbuilding was in a prominent position, the separation distance from the outbuilding to the nearest building was some 21 metres, with vegetation and screening lessening the building's impact. The contours and topography of the application garden and neighbouring gardens were such that there would have been a degree of overlooking across and down into each other's gardens before the erection of the outbuilding. In addition, there were existing outbuildings along the back of the gardens, albeit less prominent in appearance. That said, the outbuilding's decking area would afford unimpeded views into two seating areas in the garden of No 69. To address this, a condition that required the erection of a fence was recommended. It was a balanced judgement and Members would need to weigh up the difference in what was there before the erection of the outbuilding and now. However, taking all the factors into account, Officers were of the view that there would be no unduly harmful impact on the residential amenity of neighbouring properties. Whilst the outbuilding itself was situated outside the settlement confines and within the AONB, Officers were satisfied that the proposed use would be ancillary to the existing use of the land, as permitted by Core Strategy Policy DM1 for development in the countryside. Furthermore, they were satisfied that the development would not have a material impact on the AONB.

Councillor P D Jull referred to the fact that there was already some degree of overlooking between the gardens surrounding the application site. Whilst he recognised that the distance in this case was shorter than some other views that could already be gained, he thought the difference was not sufficient to justify refusal. He proposed that the application should be approved. In response to Councillor R S Walkden, it was clarified that the Kent Design Guide recommended a back-to-back separation distance of at least 21 metres between two-storey dwellings. The outbuilding was not a two-storey building and would not be used as a dwelling.

In response to points raised by Councillors Cronk and E A Biggs, the Planning Consultant suggested that details of the proposed fencing between Nos 67 and 69 could be requested. There was unlikely to be any material difference in the amount of sunlight reaching the seating area of No 69. Whilst the outbuilding could be seen from No 69, views were not readily available from deeper inside the rooms of that property. He accepted that there would be a variation in the level of screening during different seasons but, overall, the proposal was considered acceptable given the distances involved and with the appropriate conditions. He clarified that the outbuilding could be used as a bedroom, but the condition imposed would prevent it from being used as a dwelling in its own right.

RESOLVED: (a) That Application No DOV/21/00881 be APPROVED subject to the following conditions:

- (i) In accordance with the approved plans;
- (ii) The building to be used for purposes ancillary to the main dwelling-house;
- (iii) Within 3 months, fencing shall be erected at a height of 1.8 metres along the side boundary with No 69 of the upper deck area and the side boundary with No 65 of the lower deck area and retained as such thereafter.

(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.

67 APPLICATION NO DOV/21/00524 - BELLA VISTA, QUEENSDOWN ROAD, KINGSDOWN

The Committee was shown an aerial view, plans and photographs of the application site which was within the settlement confines of Kingsdown. The Planning Officer advised that planning permission was sought for the erection of a first-floor rear extension and a single storey side extension. An area of open countryside, designated as AONB, was located to the south of the property. As an update to paragraph 2.8 of the report, Members were advised that a request to increase the internal floor to cill height of the east-facing rooflight to 1.7 metres had been accepted and was shown on amended plans. Glendoran, the adjoining semi-detached property, had an existing flat-roof extension, and the properties were not uniform in appearance. It was clarified that an inset balcony was one that was recessed into the building and therefore offered only forward views. As there would be no side views, the issue of overlooking did not arise.

RESOLVED: (a) That Application No DOV/21/00524 be APPROVED subject to the following conditions:

- (i) 3-year time limit;
- (ii) Compliance with the approved plans;
- (iii) Materials specified;
- (iv) No additional windows in elevations or roof.

(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.

68 APPLICATION NO DOV/20/01008 - 8 CHURCH FARM MEWS, THE STREET, EAST LANGDON

Members viewed an aerial view, plans and photographs of the application site. The Planning Officer advised that retrospective planning permission was sought for the erection of an outbuilding, to be used as an office and for storage. The outbuilding had replaced a shed and there was not a significant difference between the footprints of the two buildings. In relation to a proposal from Councillor Jull that the

outbuilding should be painted black to match the host dwelling, the Principal Planner cautioned against this, advising that the cedar cladding would weather over time, such that its impact would be limited in the context of a garden setting.

RESOLVED: (a) That Application No DOV/20/01008 be APPROVED subject to the following conditions:

- (i) Compliance with the approved plans;
- (ii) No openings on north-east elevation;
- (iii) Use of the outbuilding to remain ancillary to the residential use of 8 Church Farm Mews.

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

69 APPLICATION NO DOV/21/00225 - VINE COTTAGE, THE STREET, WOODNESBOROUGH

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was a backland location within the settlement boundaries of Woodnesborough. The site currently served as garden land for Vine Cottage. The Principal Planner advised that the application sought planning permission for the erection of three dwellings with associated car parking and landscaping.

Members were advised that the former public house, which was to the south of the application site, had been converted into four flats, with planning permission also granted for the erection of a detached building containing a further two flats. These dwellings were currently under construction on the eastern boundary of the site. The key issues for Members' consideration were parking and access. The dwellings would be accessed via an existing access which was adjacent to the former public house. A total of six parking spaces would be provided at the front of the development, offering two spaces per three-bedroomed dwelling and one space plus a visitor space outside the two-bedroomed dwelling.

Councillor Jull noted that there were a number of buildings in this location set back from The Street. Whilst the parish council had objected on the grounds of over development, the National Planning Policy Framework (NPPF) encouraged the intensification of development in existing settlements. He was aware of concerns about parking but, overall, considered the proposal acceptable. Councillor Cronk commented that a lot of concerns had been raised about the impact on traffic and highways, yet KCC Highways had advised that there would be no detrimental impact. He expressed concerns about cumulative impact and the fact that there was no information to indicate how KCC Highways had come to its conclusion. The Chairman commented that, speaking from experience, the former pub and restaurant had generated lots of traffic movements. If local roads had coped with that number of traffic movements, it was unlikely that the new developments would cause problems. The Principal Planner agreed, citing paragraph 111 of the NPPF which stated that the key test was whether a development would have a severe highways impact. Given the site's previous use, when cars would have been coming and going on a regular basis, this was unlikely.

In response to Councillor Cronk, the Principal Planner advised that a phase 1 ecological survey had not identified any issues in terms of biodiversity. Condition 9 would require measures to be taken in relation to biodiversity enhancement such as bat boxes, etc. Details of the trees to be planted would be submitted as part of condition 4. She advised that the installation of double yellow lines in Melville Lea was not considered necessary as there was sufficient parking for occupiers and visitors within the application site. She added that double yellow lines and highway improvements were generally only required where it was thought there would potentially be a direct impact, and the works were therefore needed to make a development acceptable.

Councillor Biggs argued that the traffic movements would be different to those generated by the pub and restaurant, and were likely to occur at similar hours of the day, for example at school drop-off and collection times. The Principal Planner recognised that the pattern of traffic movements arising from the new development would be different. She recapped that the development would use an existing access which was not a public access nor new as part of the application. It was wide enough to accommodate fire engines and refuse vehicles and two-way vehicle movements. The visibility splays were limited but, as they were existing, there was no requirement to enhance them.

RESOLVED: (a) That Application No DOV/21/00225 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) Approved plans;
- (iii) Materials;
- (iv) Hard and soft landscaping, schedule of planting, means of enclosure;
- (v) Level sections, thresholds;
- (vi) Drainage scheme;
- (vii) Refuse storage/collection;
- (viii) Electric vehicle charging points;
- (ix) Biodiversity enhancement plan;
- (x) Parking to be retained;
- (xi) Permitted development restrictions – Classes B and C.

(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.

Members viewed an aerial view, plans and photographs of the application site. The Planning Officer advised that the application sought planning permission to convert an existing building to four self-contained apartments for supported housing, together with the erection of a replacement side extension and other external alterations.

Members were advised that the building had previously been used as a children's home for up to eight residents. The proposal would provide supported housing for up to eight adults with learning disabilities. Discussions had taken place with the applicants about a management plan to ensure there were protocols and contacts in place in the event of any problems. A condition would help to reassure neighbours who had reported problems in the past. Drainage issues referred to by an objector would be examined at the Building Regulations stage rather than through the planning system. In any event, the conversion of a building that would accommodate the same number of people as previously would not normally raise concerns. He clarified that prospective residents were unlikely to be drivers. However, Officers would be looking for at least one parking space, possibly one and a half spaces, per unit of accommodation. He agreed that it would be sensible for the parking space nearest the wheelchair accessible flat to be allocated to that flat, and suggested that an informative could be added.

RESOLVED: (a) That Application No DOV/21/00805 be APPROVED subject to the following conditions:

- (i) 3-year commencement;
- (ii) Approved plans;
- (iii) Materials to match existing;
- (iv) Car parking shown on approved plans to be provided prior to first use;
- (v) Details of refuse and bicycle storage facilities;
- (vi) Removal of permitted development rights - no further alterations, extensions, new windows, outbuildings;
- (vii) Remove permitted development rights – no permitted change of use even within Use Class;
- (viii) Submission of a noise/occupation management plan to outline points of contact and protocols for dealing with complaints, along with staffing numbers and hours.

(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.

Informative: Parking space 1 shown on the approved plans shall be a disabled space linked to the wheelchair accessible flat.

71

APPLICATION NO DOV/21/00795 - 134 HIGH STREET, DEAL

The Committee was shown an aerial view, plans and photographs of the application site which was within a conservation area. The Planning Officer advised that the application sought planning permission for the installation of a freestanding, high-level terrace over an existing courtyard. The platform would link the rear of the host building to the back of a two-storey building at the rear of the courtyard. Following recent permissions, a neighbouring property had installed a large external spiral staircase which meant that the courtyard of the application property was now overlooked. The proposed platform would prevent overlooking from the other property.

Councillor C F Woodgate acknowledged that the applicants were operating a business from the property which should be supported. The Planning Officer clarified that the condition relating to the glazed screen would be worded so as to prevent its removal in the future.

RESOLVED: (a) That Application No DOV/21/00795 be APPROVED subject to the following conditions:

- (i) 3-year commencement;
- (ii) In accordance with approved plans;
- (iii) Provision of 1.8-metre high glazed screen prior to first use.

(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.

72

APPLICATION NO DOV/20/00038 - THE RAILWAY BELL PUBLIC HOUSE, 120 LONDON ROAD, RIVER

Members were shown an aerial view, drawings, plans and photographs of the application site. The Principal Planner advised that planning permission was sought for the erection of six dwellings and the conversion of a public house, which had closed down 18 months previously, into six self-contained flats. As an update to the report, she referred to a letter that Members would have received about the loss of a neighbouring yew tree. It was not proposed to remove the tree and a number of conditions would be imposed to protect the tree during construction works. There was an expectation that the tree would be retained and the applicant was aware of this.

The Committee was advised that the site was surrounded by residential properties that varied in design and size. The Officer had worked with the applicants to achieve a better scheme than that originally submitted, one more fitting for the site and relating better to other properties. The dwellings would be of traditional design and limited changes would be made to the pub building's exterior. Some highway works were considered necessary to make the scheme acceptable, consisting of an uncontrolled pedestrian crossing on London Road to aid trips to the local primary school and railway station. Coincidentally, KCC Highways works were due to commence imminently to install a zebra crossing to the east side of the junction with Kearsney Avenue.

In response to Councillor D G Beaney, the Principal Planner acknowledged that significant concerns had been raised about the loss of the pub. Paragraphs 2.6 to 2.18 dealt with this aspect of the application, describing the efforts made to market the pub. An important factor in considerations was the existence of seven public houses within a 1.5-kilometre radius of the application site. This meant that limited weight could be attached to the loss of the building as a public house. With reference to paragraph 2.60 of the report, she advised that, whilst the market values appeared to be on the low side, the findings of a recent study conducted by the Local Planning Authority (LPA) supported them. The 5% contribution was required by the LPA's Supplementary Planning Document and, in this case, was based on evidence gathered by the LPA itself.

Councillor Cronk raised concerns about the absence of double yellow lines at the three-way junction opposite the site. With the junction, bus-stop, garage and pedestrian crossing all in close proximity to each other, he questioned the wisdom of not installing them. The Principal Planner advised that there was no requirement for the applicant to provide double yellow lines as part of the application. In response to Councillor Bates, she agreed that the wording of condition 15 would refer to the highway works (including the pedestrian crossing) being completed prior to occupation.

Councillor Jull commented that double yellow lines would inconvenience the garage even further. In any case, there had been no personal injury accidents at the junction in the last five years, probably because people who used the junction knew its risks and acted appropriately. He was keen to see the wall around the site constructed of flint as indicated in the plans, and suggested that a condition be added. Councillor Woodgate agreed with the concerns raised about the conservative pricing of the properties. Whilst the parish council had objected to the closure of the pub, the reality was that it was a loss-making business which had proved unsustainable in recent years.

RESOLVED: (a) That Application No DOV/20/00038 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Drawings;
- (iii) Materials;
- (iv) Hard and soft landscaping, including tree planting, means of enclosure and gates;
- (v) Wall on London Road and Kearsney Avenue to be constructed of flint;
- (vi) Tree protection;
- (vii) Foundation design – yew tree;
- (viii) No dig – car parking/tree roots;
- (ix) Land levels and sections;

- (x) Parking and garaging;
- (xi) Bicycle parking;
- (xii) Refuse and recycling storage and collection;
- (xiii) Visibility splays;
- (xiv) No discharge of surface water to highway;
- (xv) Bound surface for first 5 metres of each access to the highway;
- (xvi) Completion of highway works (including pedestrian crossing) prior to occupation of any dwellings;
- (xvii) Closure of existing access and reinstatement of footpath;
- (xviii) Electric vehicle charging;
- (xix) Surface water drainage scheme;
- (xx) Surface water – verification;
- (xxi) Surface water – infiltration;
- (xxii) Sound insulation;
- (xxiii) Archaeology;
- (xxiv) Biodiversity mitigation measures;
- (xxv) Biodiversity enhancement scheme;
- (xxvi) External lighting scheme;
- (xxvii) Permitted development restrictions: A – enlargement, improvement or other alteration of a dwellinghouse; B – additions etc to the roof of a dwellinghouse; D – porches (Kearsney Avenue dwellings); E – buildings etc incidental to the enjoyment of a dwellinghouse (London Road dwellings);
- (xxviii) Construction management plan.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle the detail of the Section 106 agreement.

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

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

74 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 8.27 pm.