

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 20 January 2022 at 6.00 pm.

Present:

Chairman: Councillor J S Back

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

Officers: Team Leader (Development Management) - South Team  
Planning Officer  
Planning Officer  
Planning Officer  
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/21/001408	Ms Jane Scott	Mr Martyn Watson
DOV/21/01159 & DOV/21/01160	Ms Jastine Leberl	-----
DOV/21/00799	-----	Councillor H M Williams
DOV/20/01508	Mr Martyn Cobb	-----
DOV/21/01264	-----	Ms Rebecca Simcox

102 APOLOGIES

It was noted that there were no apologies for absence.

103 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

104 DECLARATIONS OF INTEREST

Councillor D G Beaney declared an Other Significant Interest in Agenda Item 7 (Application No DOV/21/00799 – 269 Telegraph Road, Deal) by reason that he had previously done business with the applicant and would do so again should planning permission be granted.

Councillor T A Bond declared an Other Significant Interest in Agenda Item 6 (Application Nos DOV/21/01159 and DOV/21/01160) by reason that he had previously worked with the applicant.

105 MINUTES

The minutes of the meeting held on 9 December 2021 were approved as a correct record and signed by the Chairman.

106 APPLICATION NO DOV/21/01408 - THREE WAYS, HOLLANDS HILL, MARTIN MILL

The Committee was shown aerial views, drawings, plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a detached, four-bedroomed dwelling in the garden of an existing dwelling. As an update, it was reported that the Council's Housing Delivery Test 2021 had been published the preceding week and the Council had achieved a score of 88%. This meant that a buffer of 5% had to be applied to the Council's 5-year housing land supply calculation where there had previously been a 20% buffer. This had had a significant impact on the Council's 5-year housing land supply position, such that it had changed to 6.39 years. There had been no change to the local housing need requirement of 557 dwellings per annum, as set out in paragraph 2.10 of the report.

Members were advised that, whilst the site was situated outside the settlement confines, it was close to the settlements of East Langdon, Martin Mill and Martin which offered a number of facilities. The design of the dwelling was considered to be visually attractive, in accordance with paragraph 130 of the National Planning Policy Framework (NPPF). There was a good separation distance between the proposed dwelling and neighbouring properties, and the impact on residential amenity was therefore considered to be acceptable. With tall boundary planting along the south-west and north-west boundaries, there would be limited views of the site from the wider countryside. The proposed development would also be seen within the context of the existing cluster of development along Hollands Hill and further north on East Langdon Road.

The Planning Officer advised that the tilted balance of paragraph 11 of the NPPF was engaged. Whilst the development would generate some travel outside the confines contrary to Core Strategy Policy DM11, the site was not considered to be isolated and there were bus services running past the site, as well as a train station within walking distance at Martin Mill. The proposals were considered to preserve the character and appearance of the countryside, and its impact on the countryside, landscape area and residential amenity was found to be in accordance with the NPPF. It was a balanced case, but it was considered that the benefits of the proposal outweighed any disadvantages and approval was therefore recommended.

In response to Councillor P D Jull, the Planning Solicitor clarified that the NPPF defined previously developed land as land that is or had been occupied by a permanent structure, including land within the curtilage of the developed land. However, land in built-up areas, such as residential gardens, was excluded from this definition. He referred to a case involving Dartford Borough Council which had clarified that 'built-up' areas excluded the countryside. The guidance did not therefore exclude residential gardens in areas defined by local planning policy as countryside from the definition of previously developed land. It followed that the site in question, being within the curtilage of a dwelling and outside settlement boundaries, was considered as previously developed land. Councillor T A Bond questioned why development outside the settlement confines was being proposed when the Council had met its housing targets. He also raised concerns about visibility at the access point.

The Team Leader (Development Management) – South Team (TL) advised that the protocol with Kent County Council (KCC) Highways was such that it would only be consulted on developments of four or more dwellings. In any case, this was an existing access and raised no concerns for Officers. Whilst the Council had delivered 88% of its local housing requirement, a 5% buffer was needed, and it was still necessary to consider whether the most important policies for determining the application were out-of-date. In this regard, it was considered that Policies DM11 and DM15 were out-of-date and the tilted balance approach set out in the NPPF was therefore engaged. The Committee would need to consider whether the development would cause harm. The fact that the site was previously developed land and well screened weighed in its favour. The TL acknowledged that turning into the site was tight but, as an existing access, the Local Planning Authority had limited control. However, it would be possible to attach an informative requesting that the trees be cut back.

Councillor M Bates commented that more weight should be given to Policy DM1. There had been an accumulation of housing developments in this area, with a small enclave increasing to five dwellings should this application be approved. These dwellings would have an impact on the countryside, contrary to Policy DM15. In his view the balance weighed against approval. Councillor E A Biggs commented that the road to the site was narrow and overgrown. He was of the view that an additional dwelling in this location was not desirable.

The Planning Officer pointed out that paragraph 11 of the NPPF had a presumption of approval unless significant and demonstrable harm would be caused. She confirmed that, whilst the narrowness of the road had been taken into account, it was a fact that vehicles tended to travel more slowly due to the nature of the road. In any case, the amount of traffic that would be generated by the proposed dwelling would not be significant. The TL reiterated that the site was 370 metres from the village where local services could be accessed. Officers considered that there would be no visual harm or impact on the countryside arising from the development and, due to the relevant policies being out-of-date, approval was recommended.

Councillor D G Beaney spoke in favour of the proposal, arguing that small, infill developments on garden land should be encouraged. The TL clarified that self-build dwellings were those built by an individual or group for personal occupation. She confirmed that the applicant was on the Council's self-build register.

It was moved by Councillor D G Beaney and duly seconded that Application No DOV/21/01408 be APPROVED as per the Officer's recommendation with the addition of an informative regarding the cutting back of trees.

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

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

RESOLVED: (a) That Application No DOV/21/01408 be APPROVED subject to the following conditions:

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

- (iv) Details of hard and soft landscaping (including boundary treatments and driveway/hardstanding surfaces) and schedule of planting;
  - (v) Provision and retention of the parking area with drainage measures installed;
  - (vi) Details of surface water disposal;
  - (vii) Cables for electric vehicle charging points;
  - (viii) Details of refuse/recycling storage;
  - (ix) Details of bicycle storage;
  - (x) Unexpected archaeology.
- (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.

Informatives:

1. Southern Water response and contact information.
2. Cutting back of trees

107 APPLICATION NOS DOV 21/01159 & DOV/21/01160 - CANTERBURY GATE HOUSE, ASH ROAD, SANDWICH

Members viewed an aerial view, drawings, plans and photographs of the application site which was within the settlement confines of Sandwich and within a conservation area. The Planning Officer advised that the application sought planning permission and listed building consent for the erection of a single storey rear extension to a Grade II-listed dwelling and the replacement of a rear porch.

The Committee was advised that the planform of the proposed extension and its siting was of concern due to its complicated form which would be detrimental to the simple, historic L-shaped planform of the building which was one of its most important characteristics. The design of the extension rendered it an inappropriate addition which was not a natural evolution of the building. These concerns were set out in full in paragraphs 2.5 and 2.6 of the report but, essentially, the size, bulk and design of the proposed extension would create a dominant feature and detract from the historic rear façade of the dwelling. Furthermore, the structure would not sit comfortably with the building and would cause unacceptable harm to its character and appearance. Whilst the existing porch was in poor repair and the principle of its replacement was supported, the design of the replacement was considered inappropriate and did not relate well to the listed dwelling.

In response to queries from Councillors Bates and R S Walkden, the Planning Officer clarified that the proposals would not have an impact on the front of the property or be visible from the street scene. Councillor Walkden commented that the proposals would make the building a good family home and he supported them.

Councillor C F Woodgate agreed on the basis that the proposals would do no visual harm to the building. Councillor Biggs argued that the dwelling had to work for modern families and should be repurposed.

The Planning Solicitor referred Members to paragraph 3.1 of the report where the clear conclusions of the Council's Heritage Officer against the proposals were summarised. He clarified that the listing applied to the entire building, including any modern extensions.

It was moved by Councillor R S Walkden and duly seconded that Application Nos DOV/21/01159 and DOV/21/01160 be APPROVED on the grounds that the Planning Committee was of the view that the proposed extension would not represent an unsympathetic or incongruous addition to the listed building, and would therefore not cause detrimental harm to the architectural and historic character and appearance of the listed building.

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

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application Nos DOV/21/01159 and DOV/21/01160 be APPROVED on the grounds that the Planning Committee is of the view that the proposed extension would represent a sympathetic addition to the listed building and would therefore not be incongruous or cause detrimental harm to the architectural and historic character and appearance of the listed building; and subject to conditions to include:

- (i) 3-year time limit;
- (ii) List of approved plans;
- (iii) Samples of joinery materials;
- (iv) Details of surface water drainage.

(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.

(Councillor T A Bond left the meeting during consideration of this item.)

108 APPLICATION NO DOV/21/00799 - 269 TELEGRAPH ROAD, DEAL

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was situated within the settlement confines of Deal. The Planning Officer advised that the application sought planning permission for the erection of two-storey side and rear extensions, a front porch and new garage plus other alterations to an existing property. As set out in paragraph 1.3 of the report, the application was a second submission which addressed concerns raised about the garage roof and bulk at the side of the property.

Councillor Jull spoke in favour of the proposal, disagreeing with comments made by Deal Town Council and other objectors. The Planning Officer clarified that there was a distance of approximately 13 metres between the edge of the new extension

and the conservatory of 2 St Richard's Road. She advised that the side extension had originally projected right up to the boundary with 267 Telegraph Road but had been pulled back. The mass at first-floor level had also been reduced.

RESOLVED: (a) That Application No DOV/21/00799 be APPROVED subject to the following conditions:

- (i) 3-year time limit for commencement;
- (ii) Compliance with the approved plans;
- (iii) No openings on south-west or north-east elevations;
- (iv) No construction on Sundays.

(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.

(Councillor D G Beaney left the meeting during consideration of this item.)

109 APPLICATION NO DOV/20/01508 - LAND TO THE SOUTH-WEST OF VILLAGE HALL, COXHILL, SHEPHERDSWELL

Members viewed CGIs, a plan and photographs of the application site which was situated opposite the village boundary of Shepherdswell. The TL advised that the application sought planning permission for the erection of thirteen dwellings, ten of which would be offered as affordable housing under the rural exceptions scheme.

The Committee was advised that the proposal had come about as a result of a local needs housing survey which had identified a need for affordable housing in Shepherdswell. The findings of the survey were supported by the Council's Housing Manager. Twelve or thirteen sites had been investigated and this site was the only one available for development. Paragraph 78 of the NPPF encouraged local authorities to support opportunities to bring forward rural exception sites that would meet local affordable housing needs and, where necessary, to permit some market housing in order to facilitate this type of development. Policy DM6 which covered rural exceptions housing was also relevant. However, it was considered to be a dated policy that should be read in conjunction with paragraph 78 due to the latter's more flexible approach. The provision of three market dwellings to subsidise the affordable housing had been investigated by an independent consultant who had confirmed that the scheme's viability was contingent on their inclusion.

The TL reported that, as detailed in paragraphs 2.32 to 2.37 of the report, the proposal had attracted numerous objections on highways grounds due to road width, parking, visibility and lack of a footpath. The applicant had submitted a transport statement and several amendments had been made to the plans following scrutiny by the KCC Highways Officer. Public rights of way (PROW) ER80 and ER81 would be affected by the development and KCC's PROW team had initially raised objections. However, subject to ER81 being diverted around the site and ER80 being partially diverted, KCC had withdrawn its objections. In summary, the application was considered acceptable by KCC Highways and, in the absence of any compelling highway evidence to the contrary, it would not be appropriate for Officers to go against KCC Highways' advice.

In summary, the proposal was a well-considered scheme which would deliver affordable housing, the need for which had been identified. With appropriate conditions, including a robust landscape buffer, a Section 106 agreement and a Section 278 agreement for off-site highway works, the proposal was recommended for approval.

In response to points raised by Councillor Bates, it was clarified that seven visitor parking spaces would be provided within the development to address residents' concerns that visitors might park in the village hall car park. Councillor Jull expressed disappointment that the PROW was to be diverted as the existing route would provide a convenient link for residents of the development to the school and public house. He also raised concerns about fencing and the management of the landscape buffer. The TL advised that the purpose of stock-proof fencing was to allow views to be seen of the landscape beyond rather than it being just a solid enclosure. She referred to condition 9) which made it clear that the landscape buffer would be managed by a private company and would be separate from private gardens.

In response to concerns raised by Councillor Bond about flooding, the TL advised that the Environment Agency had submitted no comments during consultation. The applicant's proposed drainage strategy would utilise piped networks and permeable paving leading to underground attenuation systems. KCC, as the Lead Local Flood Authority, had agreed to the drainage proposals in principle. Southern Water had also raised no objections. A condition would require details of foul and surface water drainage to be submitted and approved before works commenced.

Councillor Biggs spoke in favour of the proposal which would provide affordable housing within a well-designed scheme. Citing the landscape buffer as a crucial element, he proposed that the application should be approved. Councillor Jull argued that additional conditions should be attached regarding fencing. He also suggested that the landscape buffer should be incorporated into the private gardens and be offered to the parish council or another organisation to manage.

The TL advised that a more appropriate route would be to add informatives on the type of fencing used and where it was erected. In her view there was no justification for incorporating the landscape buffer into private gardens, particularly as doing so would offer no certainty around its future maintenance. Whilst offering it to the parish council was an option for legal exploration, she suggested that this should not be pursued.

**RESOLVED:** (a) That, subject to a Section 106 legal agreement to secure 10 local needs houses and matters covered in this report, Application No DOV/20/01508 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) Drawing nos;
- (iii) Material samples;
- (iv) Joinery details;
- (v) Boundary treatment;

- (vi) Site levels;
- (vii) Ecological mitigation and enhancement scheme;
- (viii) Landscaping scheme;
- (ix) Landscape buffer including timetable for delivery and details of maintenance by way of a management group/company – also to include management of open space;
- (x) PROW details/delivery;
- (xi) Construction Management Plan;
- (xii) Drainage;
- (xiii) Electric vehicle charging points;
- (xiv) Parking spaces/garage retention;
- (xv) Highways – visibility splays, S278 agreement;
- (xvi) Permitted development rights removed – boundary treatment, alterations to roof.

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

Informatives:

1. Fencing adjacent to the diverted Public Right of Way should avoid the use of barbed wire.
2. No new fencing to be erected on the north-east boundary with the village hall other than where it delineates private gardens.

110 APPLICATION NO DOV/21/01264 - WHITE CLIFF COTTAGE, THE FRONT, ST MARGARET'S BAY

The Committee was shown an aerial view, map, drawings, plans and photographs of the application site which was situated outside the settlement confines. The TL advised that the application sought planning permission for the conversion of a detached garage into ancillary annexe accommodation. As an update to the report, she added that St Margaret's-at-Cliffe Parish Council had maintained its concerns about the use of the annexe and wanted a condition attached. The St Margaret's Bay Conservation Association had expressed similar concerns, requesting that a condition be attached to prevent its use as a holiday let. She advised that the standard delegation to the Head of Planning, Regeneration and Development had been omitted from the report in error.

Members were informed that, whilst the site was outside the settlement confines, the proposed annexe conversion was located within an existing residential curtilage and would be ancillary to the main residential dwelling. The existing garage was a two-storey building whose head space would be extended by means of a side dormer window. Whilst the site was within an Area of Outstanding Natural Beauty (AONB), it was well-screened and the proposed building was unlikely to be seen from the wider landscape. Access to the site would be via Beach Road, an unmade road that ran past the site. With a condition to restrict its use as an annexe only and not as a holiday let, approval was recommended.

In response to Councillor Jull who raised concerns about the distance of the proposed annexe from the house, the TL advised that there was no definition in this regard and any building within the curtilage of a dwelling was considered to be ancillary, regardless of its distance from the host dwelling. Councillor Bates commented that if the applicant's intention as stated was to use the annexe for storage, the inclusion of a kitchen and bathroom indicated otherwise. He was certain the building would be used for holiday accommodation which would have an adverse impact in an AONB. Furthermore, any condition preventing this use would be difficult to enforce should there be a breach.

It was moved by Councillor P D Jull and duly seconded that Application No DOV/20/01508 be REFUSED on the grounds that, notwithstanding that the use was intended to be ancillary to the host dwelling, the Planning Committee was of the view that the proposed annexe would create a structure that would be overtly domestic in appearance in a sylvan and isolated part of an Area of Outstanding Natural Beauty which was highly valued and much used by members of the public, contrary to paragraph 176 of the National Planning Policy Framework.

On being put to the vote, the motion FAILED.

It was moved by Councillor D G Beaney and duly seconded that Application No DOV/20/01508 be APPROVED as per the Officer's recommendation.

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

RESOLVED: (a) That Application No DOV/20/01508 be APPROVED subject to the following conditions:

- (i) Time;
- (ii) Approved plans;
- (iii) Annexe accommodation only and tied to existing.

(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.

## 111 APPEALS AND INFORMAL HEARINGS

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

112 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 8.51 pm.