

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 15 December 2022 at 6.04 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: Head of Planning and Development  
Team Leader (Development Management) - North Team  
Principal Planner  
Senior Planner  
Senior Planner  
Planning Consultant  
Principal 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/20/01566 & DOV/20/01567	-----	Ms Rebecca Simcox
DOV/21/00141	Mr Clive Tidmarsh	Mr Michael Morris
DOV/20/00623	Mr Harry Kenton	-----
DOV/22/00781	Ms Lucy Turner	-----
DOV/21/01581	Dr Nagy Rafla	-----

89 APOLOGIES

It was noted that there were no apologies for absence.

90 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

91 DECLARATIONS OF INTEREST

Councillor D A Hawkes declared an Other Significant Interest in Agenda Item 7 (Application No DOV/21/01683 – Site at Cross Road, Deal) by reason that he lived in close proximity to the site. He also stated that he had previously made comments in objection to the proposal and therefore considered that he had predetermined the application.

92 MINUTES

The minutes of the meeting held on 17 November 2022 were approved as a correct record and signed by the Chairman.

93 ANNOUNCEMENT

The Team Leader Development Management (TLDM) advised the Committee that it had come to light that two of the applications on the agenda had not been publicised correctly in relation to the requisite legislation. The applications affected were Agenda Items 8 (DOV/20/00623 – Church Farm, The Street, Staple) and 11 (DOV/21/01581 – Felder Lodge, Deal Road, Worth). The error related to there having been no mention in either of the site notices or adverts in the local newspaper that these applications represented a departure from the Development Plan. Whilst this error should not influence the consideration of the applications, the respective decisions for these applications could not be issued until the correct publication had been carried out. This would entail displaying a notice at the site and placing a notice in the local newspaper, for a period of not less than 21 days, advertising the proposed developments as representing a departure from the Development Plan. In addition, the report recommendations for both applications would need to be amended accordingly. Any new material planning considerations raised as part of the new consultation period would require the application(s) to be brought back to the Planning Committee. She reassured Members that measures had been introduced to ensure that there would be no recurrence of these errors.

Some Members expressed reservations about making a decision on applications when they did not necessarily have the full picture in relation to consultees' and residents' views. It appeared that some people would not have had the opportunity to make comments on these applications. The Principal Planning Solicitor explained that the applications had already been out to public consultation. All that was being proposed was that the applications would be subject to an additional period of consultation because the original notices and advertisements had lacked a reference to the applications being a departure from the Development Plan. He stressed that this was a pragmatic way of dealing with the applications in a timely manner whilst ensuring that the requirements of the legislation were met. He reassured Members that nobody had been denied the opportunity to make their views known about the applications, and that any new material considerations raised during the consultation would come back to the Committee, notwithstanding that officers were confident they had already identified all of these. The Committee had on previous occasions been asked to determine applications before the end of the consultation period so there was precedent for taking this course of action.

Councillor T A Bond suggested that the applications should be deferred for 21 days. However, Councillors J S Back and E A Biggs indicated that they were happy with the advice given by the Principal Planning Solicitor and saw no point in deferring the applications.

94 APPLICATION NOS DOV/20/01566 AND DOV/20/01567 - WHITE CLIFFS HOTEL, HIGH STREET, ST MARGARET'S-AT-CLIFFE

The Committee was shown photographs of the application site which was within the settlement confines of St Margaret's-at-Cliffe and in a conservation area. The Planning Consultant reminded Members of the background to the applications which was set out in paragraphs 2.1 to 2.7 of the report. In summary, applications for the same development had been approved by the Committee in March 2022. Following that decision, and before decision notices had been issued, a planning

application was received from St Margaret's-at-Cliffe Parish Council applying to remove a condition attached to a 2020 planning permission reference 19/01112. Condition 15 required the hotel's bar and restaurant facilities to cease offering facilities to non-residents as soon as any of the dwellings that were the subject of that permission were occupied, the purpose of the condition being to ensure that there was adequate parking for occupants of the dwellings. The application for the removal of condition 15 was approved by the Committee in August and a decision notice had been issued. The applications considered by the Committee in March were now being referred back to the Committee in the light of the removal of condition 15 which was a relevant material change in circumstances.

Members were advised that the applicant had submitted a revised viability assessment which, like the one submitted in March, had come to the conclusion that the hotel's bar and restaurant were not a viable business. Referring to matters set out in the report, the Planning Consultant advised that Policy E4 of the draft Local Plan did not apply to the application, and the proposed development was compliant with Core Strategy Policy DM24 and Policy PM6 of the draft Local Plan.

As an update, the Planning Consultant reported that a letter had been received from a solicitor acting on behalf of St Margaret's-at-Cliffe Parish Council which had raised the use of the premises as Airbnb accommodation, amongst other matters. However, any such Airbnb use was considered not to have a significant bearing on the reporting and consideration of the current applications. In addition, further advice had been received from the Principal Heritage Officer in relation to the use of the building as a bar/pub.

Councillor M Bates stated that he was well aware of the economic and social damage caused by the removal of a village pub. He had studied the viability reports which were very much predicated on the business not having traded since 2018. However, he was aware that the pub had been reasonably busy with a decent turnover before 2019. It was evident from the website that the business was trading and, by his calculation, was turning over a reasonable amount judging by the bookings that appeared to have been taken. This was in contrast to the calculations given in the viability assessment. His view was that the business was viable and would bring in tourists and create trade in the district. In that regard, the application did not meet the two tests of Policy DM24. Accordingly, he proposed that the application should be deferred to enable a properly constructed viability assessment to be carried out, based on income received over a period of two to three years, and the business then marketed. Councillor D G Beaney agreed, commenting that as a pub owner himself he felt that it was the applicant's responsibility to keep the business going for as long as possible for the sake of the village.

Councillor C F Woodgate expressed a different view, arguing that it was not for the Committee to tell the applicant how to run their business. The viability assessments appeared to be robust and, based on the margins given, he understood why the applicant did not wish to continue with the business. He proposed that the applications should be approved in accordance with the report recommendations. Councillor T A Bond commented that due to Covid and increased living costs it was not unreasonable to conclude that the business had become unviable.

The Planning Consultant cautioned against deferring the applications for additional information as it was not certain that that would be forthcoming. The applicant had presented their viability case which had been scrutinised by an independent consultant and found to be robust. Members should look at the business as a whole

and not cherry-pick from the information given. In clarification of a point raised by Councillor Bates, he advised that the viability assessment projected the future trading scenario of the pub. Trade had been scrappy and inconsistent over the past two years and there was no reliable information on which to base an assessment. In response to Councillor D G Cronk, he advised that it would not be possible to prevent another application coming forward in relation to this site.

It was moved by Councillor M Bates and duly seconded that Application Nos DOV/20/01566 and DOV/20/01567 should be DEFERRED for the reasons stated previously.

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

It was moved by Councillor C F Woodgate and duly seconded that Application Nos DOV/20/01566 and DOV/20/01567 be APPROVED.

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

RESOLVED: (a) That Application No DOV/20/01566 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) List of approved plans;
- (iii) Material samples;
- (iv) Details of improvements to north-west boundary wall;
- (v) Fencing details for internal gardens;
- (vi) Fenestration and new door details, including joinery;
- (vii) Construction management plan;
- (viii) Surface water drainage details;
- (ix) Parking spaces – provision and retention;
- (x) Bin and cycle storage in accordance with approved plans;
- (xi) Water efficiency of 110 litres per person per day.

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

(c) That Application No DOV/20/01567 for listed building consent be APPROVED subject to the following conditions:

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

- (iii) Material samples;
  - (iv) Fenestration and new door details, including joinery;
  - (v) Details of new staircase to house on plot 2 and plot 3.
- (d) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

95 APPLICATION NO DOV/21/00141 - BARN AT STAPLE FARM, DURLOCK ROAD, STAPLE

Members viewed an aerial view and photographs of the application site which was situated outside but adjacent to the settlement confines of Staple. The Planning Consultant advised that planning permission was sought for the change of use and conversion of an existing barn to create four dwellings. The proposal was consistent with Core Strategy Policy DM4 which allowed the re-use and conversion of structurally sound and permanent buildings located within rural settlements or adjacent to defined confines. It also complied with Policy SP4 of the draft Local Plan and approval was therefore recommended.

Councillor E A Biggs queried whether the planning permission granted in 2019 was still valid and sought clarification on the water efficiency condition and the increase from three to four dwellings. The Planning Consultant clarified that the permission had been granted in mid to late December 2019 and was about to expire. However, the fact that planning permission had previously been granted was a material consideration, whether the permission had lapsed or not. He clarified that an application submitted in 2017 had sought prior approval under Class Q of the General Permitted Development Order (GPDO). However, under the restrictions of the GPDO, the curtilage of the barn was very limited. The application submitted in 2019 had sought to expand the curtilage in order to provide bigger gardens. He was satisfied that the barn could be divided into four dwellings and that suitable amenity space could be achieved. Water efficiency was a draft policy included in the draft Local Plan which enabled the Local Planning Authority (LPA) to insist upon lower water usage in excess of the measures required by Building Regulations.

In response to Councillor D G Cronk, the Planning Consultant advised that, if the pre-commencement condition relating to a foul sewage disposal scheme could not be achieved, the planning permission could not be implemented. He confirmed that it was normal practice for parking spaces and hard landscaping to be required to be made of permeable surfaces where this was possible. Councillor Bates referred to the limited bus service serving the site and sought clarification in respect of the criteria for bus and other services being considered sustainable. The Planning Consultant advised that public transport services were considered in the context of the size of the settlement and where it was in the development hierarchy. It was recognised that smaller villages would have a poorer level of bus service. In this case, the proposed development was proportionate to the size of the village and did not represent an unsustainable pattern of growth.

In response to Councillor R S Walkden, the Planning Consultant advised that local and national policy permitted the re-use of redundant buildings. However, if a proposal to knock the barn down and erect a new-build scheme had been

submitted, there was not a policy that specifically permitted that, and such a proposal would have to be assessed on its merits. Councillor Bond raised a query in relation to parking arrangements, gardens and the use of agricultural land. The Planning Consultant referred to the plan at figure 3 of the report. He clarified that parking would be provided between the barn and the existing car park. The gardens would be located to the rear of the barn, to the north-west and north-east. There would be a shared access arrangement, with a new access from the driveway. The existing parking would not change. A number of representations had been received about this, stating that the applicant did not have a right of access over the land. This was a civil matter that would need to be addressed by the applicant outside the planning system. There would be a minor and insignificant loss of agricultural land arising from the development.

RESOLVED: (a) That Application No DOV/21/00141 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) List of approved plans;
- (iii) Material samples to be approved;
- (iv) Parking spaces – details, provision and retention;
- (v) Hard and soft landscaping – details to be approved;
- (vi) Restriction of permitted development rights for extensions;
- (vii) Bin and cycle storage – details;
- (viii) Electric vehicle charging;
- (ix) Water efficiency of 110 litres per person per day;
- (x) Scheme for the disposal of foul sewage;
- (xi) Unforeseen contamination;
- (xii) Construction management plan.

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

96 APPLICATION NO DOV/21/01683 - SITE AT CROSS ROAD, DEAL

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was located on the southern edge of Deal. The Principal Planner advised that the application was a reserved matters application for details of layout, scale, landscaping and appearance for the erection of 100 dwellings, pursuant to outline planning permission DOV/20/01125 granted in February 2021. A substantial level of tree planting was proposed to the western and southern boundaries of the site which were considered to be the key areas in terms of

mitigating the development's visual impact. The scheme proposed the use of high-quality materials and would provide detached properties on well-spaced plots. The principle of development, as well as sewage, highways, etc, had been dealt with at the outline stage and/or addressed in the Section 106 agreement. He advised that an additional condition was proposed that would see permitted development rights removed in relation to car ports on plots 1 and 2.

Councillor Cronk requested that any hard surfacing should be permeable. He also asked whether there would be houses and parking for disabled people. Councillor P D Jull commented that the proposed landscaping scheme failed to mitigate the visual harm from wider views, notably from across the valley. This was not surprising given that the site sloped downwards. The site provided an important green edge to Deal and, in his opinion, the harm caused to the landscape outweighed any benefits offered. Councillor Bond raised queries about the development's compliance with Core Strategy Policy DM17 and the number of dwellings proposed.

Councillor D G Beaney commented that schemes of this size would always have a visual impact. However, this was outweighed by the number of houses that would be provided. He proposed that the application should be approved. Councillor Walkden also spoke in favour of the proposed scheme, commenting that the proposed layout and landscaping looked attractive.

The Principal Planner advised that there was a condition that required details of hard surfacing and sought the use of high-quality materials, including a mixture of tarmac and block paving. A number of disabled units would be provided that would meet Building Regulations standards. He confirmed that the proposed soft landscaping scheme would provide a mixture of native trees, hedges and tree-lined streets, with the types of trees proposed having been approved by the Council's Tree Officer. In response to Councillor Bond, he referred to the number of dwellings having been established at the outline application stage, as had the requirements of Policy DM17 which was addressed by a pre-commencement condition attached to the outline permission. He stressed that the use of a SuDS (Sustainable Drainage System) was typical with a development of this nature and the Environment Agency had raised no objections. In respect of electric vehicle charging points, he advised that these had been conditioned with the outline permission.

RESOLVED: (a) That Reserved Matters Application No DOV/21/01683 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Details and samples of materials – external surfaces of the dwellings;
- (iii) Details and samples of materials – hard surfacing;
- (iv) Window reveals;
- (v) Details of locations of external meter cupboards, vents or flues – limit visibility from public viewpoints;
- (vi) External lighting of public realm areas – low-level lighting where possible;

- (vii) Removal of permitted development rights for car ports at plots 1 and 2.

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

(Councillor D A Hawkes left the meeting during consideration of this item.)

97 APPLICATION NO DOV/20/00623 - CHURCH FARM, THE STREET, STAPLE

The Committee viewed plans and photographs of the application site which was in a rural location adjacent to the village confines of Staple. The Principal Planner advised that planning permission was sought for the conversion of a Kent barn and stable block to two residential dwellings, the erection of two semi-detached dwellings and one detached dwelling. The proposal would see the re-use of the barn and stable block which was in compliance with Core Strategy Policy DM4 and Policy SP4 of the draft Local Plan which now carried moderate weight as a material planning consideration. Whilst the new-build element of the scheme was contrary to Policy SP4 of the draft Local Plan, the significant benefits of the proposal (summarised at paragraphs 3.2 and 3.3 of the report) and status of the draft Local Plan meant that it was considered acceptable. It was recommended that planning permission should be granted, subject to a further period of public consultation.

Councillor Jull commented that he could find no reason to disagree with Staple Parish Council which had voiced its support for the development. He proposed that the application should be approved.

RESOLVED: (a) That, subject to carrying out a further period of consultation (for a period of not less than 21 days) to allow for a site notice to be displayed at the site and an advertisement placed in the local newspaper to advertise the proposed development as representing a departure from the Development Plan, and no new material planning considerations being received, Application No DOV/20/00623 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials samples;
- (iv) Window details – recesses;
- (v) Obscure glazing/fixed shut ensuite north-facing window in stable block;
- (vi) No additional windows in the first-floor north elevation of The Dairy;
- (vii) Retention of parking spaces;
- (viii) Electric vehicle charging;



- (ix) Cycle parking and bin storage details;
- (x) Landscaping details;
- (xi) Tree protection;
- (xii) Ecology enhancements;
- (xiii) Surface water drainage details;
- (xiv) Removal of permitted development rights.

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

98 APPLICATION NO DOV/22/00781 - HALFORDS LTD, GRANVILLE STREET, DOVER

The Committee was shown an aerial view and photographs of the application site which was situated within the urban confines of Dover. The Senior Planner advised that planning permission was sought for a change of use to a gym and external alterations to the building which had previously been used for non-food retail purposes. She reported that a Member had asked about cycle storage provision and electric vehicle charging points. She advised that, whilst the former could be added by condition, the applicant had advised that there was insufficient electrical capacity at the site to support vehicle charging. The principle of the development and its impact on residential amenity were considered acceptable, as was its impact on the character and appearance of the area. The hours of exercise classes and studio activities would be restricted by condition and approval was recommended.

In response to Councillor Cronk, the Senior Planner understood that no additional external lighting was proposed but further details could be required. She advised that the 63 parking spaces would be shared with the occupant of the other unit. She believed there was disabled access to the gym and a condition could be added to ensure that some disabled parking spaces were provided. Members clarified that they wished to add the requested cycle storage condition, the inclusion of disabled provision to the parking condition and details of external lighting.

RESOLVED: (a) That Application No DOV/22/00781 be APPROVED subject to the following conditions:

- (i) 3-year commencement;
- (ii) In accordance with the approved plans and details;
- (iii) Prior to the first use of the development, the mitigation measures and internal fit-out recommended within the approved acoustic design statement, with the addition of sound insulated lining to the roof of the studio area as required, shall be implemented and thereafter maintained;

- (iv) Studio activities and exercise classes shall only be carried out between the hours of 06.00 and 22.30;
- (v) Noise resulting from the use of plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1:1990, at a point one metre external to the nearest noise-sensitive premises;
- (vi) The external rear fire escape doors and door to the plant room will remain closed at all times except for access/egress in an emergency or for operational purposes respectively;
- (vii) The site shall be used for the particular use classes hereby permitted, namely Class E(a) non-food retail and E(d) indoor sport, recreation or fitness, and for no other purpose;
- (viii) The parking area to the forecourt and north-east of the application building within the blue line shall be provided for parking for the use hereby approved and the adjoined commercial unit and thereafter maintained for the lifetime of the development, including disabled parking provision;
- (ix) Cycle storage details to be submitted and approved;
- (x) External lighting details to be submitted and approved.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

99 APPLICATION NO DOV/22/00935 - 32 ALISON CRESCENT, WHITFIELD

Members were shown an aerial view and photographs of the application site which was in a residential area in Whitfield. The Senior Planner advised that retrospective planning permission was sought for the change of use of an outbuilding to a gym for business use. As an update to the report, she advised that condition 1) had been removed given that it was a retrospective application. In addition, following comments received from Members, it was recommended that it should be clarified by condition that no more than two customers at any one time should use the services of the gym, with a maximum 10-15-minute crossover between clients. The key matters for consideration were residential amenity and highways. In respect of residential amenity, amendments had been made to the scheme and a noise management plan had now been submitted with appropriate controls to ensure there was no adverse impact on surrounding neighbours. The applicant had created an additional two off-street parking spaces. Along with the two existing spaces, the impact on the highway was therefore now considered to have been mitigated satisfactorily.

Councillor Bates referred to condition 7) and suggested that it should be clarified to ensure there was no misunderstanding in relation to doors and windows having to be closed during gym sessions. The Senior Planner agreed that additional wording could be added. In response to Councillor Cronk, she clarified that the noise management plan addressed issues such as soundproofing, air-conditioning and noise levels. Monitoring of the noise management plan relied upon the public reporting breaches which would be followed up by Environmental Health. In response to Councillor Hawkes who suggested that a noise limiting device should be required, she advised that one had not been included as Environmental Health had considered the proposed measures acceptable. She clarified that the hours of operation originally proposed by the applicant had been 06.00 to 20.00 from Monday to Friday. Following concerns raised by Environmental Health, the start time had been put back by an hour, with half an hour added to the end in compensation. She stressed that the gym would be in operation six days a week and could not therefore be compared to the periodic use of neighbouring properties for social purposes. She clarified that, whilst there had been a number of objections to the application due to noise, no complaints had been received from Environmental Health. Councillor Bates commented that he was content to remove the condition relating to the noise limiting device if it was problematic for other Members.

RESOLVED: (a) That Application No DOV/22/00935 be APPROVED subject to the following conditions:

- (i) In accordance with the approved plans and details;
- (ii) The use of the outbuilding as a gym hereby permitted shall operate in accordance with the provisions and mitigation measures as set out in the approved Noise Management Plan for the lifetime of the development and no more than two customers should use the gym at any one time, with a 10-15-minute crossover period between customers;
- (iii) An up-to-date register shall be kept of the customers using the gym for each session which shall be made available for inspection by the Local Planning Authority on request at any reasonable hour for the lifetime of the development;
- (iv) Outbuilding to be used as a commercial gym during the hours of 07.00 and 20.30 Monday to Friday and 07.00 and 13.00 Saturdays only and not on Sundays;
- (v) Doors and windows to remain closed during gym sessions;
- (vi) No amplified music/noise played externally or when doors/windows are open such as when customers are entering/exiting the outbuilding;
- (vii) The 2 parking spaces to the frontage, as shown on the approved plan and detailed in the Noise Management Plan, shall be provided for parking for the use hereby

approved during operational hours and thereafter maintained for the lifetime of the development;

- (viii) The outbuilding shall be used for the particular use class hereby permitted, namely Class E(d) indoor sport, recreation or fitness, and for no other purpose except for that ancillary to the residential use of the dwelling 32 Alison Crescent.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary wording in line with the recommendation and as resolved by the Planning Committee.

100 APPLICATION NO DOV/21/01581 - FELDER LODGE, DEAL ROAD, WORTH

The Committee viewed a plan and photographs of the application site which was located outside the village confines of Worth. The Senior Planner advised that the application sought planning permission for the erection of two detached dwellings. As an update to the report, she reported that the bus service serving Deal Road had recently stopped. In spite of this, the location was still considered to be sustainable given that it was within walking distance of Worth and Sandwich.

Members were advised that the proposed dwelling in plot 1 followed the form of the existing property and was considered acceptable. However, following concerns raised by officers, amendments had been made to the position and design of the proposed dwelling for plot 2 as it had not related well to existing properties in Mill Lane. The application was outside the settlement confines of Worth and, as such, was contrary to Core Strategy Policy DM1. However, this policy was considered to be out-of-date and, as such, the 'tilted balance' approach of paragraph 11 of the National Planning Policy Framework (NPPF) was engaged. This presumed in favour of granting planning permission unless the adverse impacts of doing so significantly and demonstrably outweighed the benefits of the development. In this case, the development would provide two new dwellings in a sustainable location with reasonable access to public facilities and amenities. With the amendments made, the proposal was considered acceptable and approval was therefore recommended, subject to a period of further consultation.

In response to Councillors Biggs and Cronk, the Senior Planner advised that, according to the Member responsible, the application had been called in due to the number of objections received. She confirmed that no trees would be removed and additional landscaping was proposed around the driveway and between the properties. Councillor Jull stated that the village confines of Worth had not changed under the draft Local Plan so this site had been and would remain in the countryside. He questioned why the proposal was recommended for approval given that it was contrary to both the Council's existing and new policies. Councillor Bond commented that he was usually reluctant to approve developments that were contrary to policy. However, this site was surrounded by buildings and on the Deal Road which tilted the balance in favour of approval in his opinion.

The TLDM acknowledged that the proposal was contrary to the Council's adopted policy DM1 and emerging policy SP4 of the draft Local Plan. However, as set out in the report, Policy DM1 was considered to be out-of-date and this meant that the application should be assessed in accordance with the 'tilted balance' approach of the NPPF. It was the view of officers that the development was in a sustainable

location and would cause no harm and, as such, the benefits of the proposal outweighed any disadvantages.

RESOLVED: (a) That, subject to carrying out a further period of consultation (for a period of not less than 21 days) to allow for a site notice to be displayed at the site and an advertisement placed in the local newspaper to advertise the proposed development as representing a departure from the Development Plan, and no new material planning considerations being received, Application No DOV/21/01581 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) In accordance with approved plans;
- (iii) Approved materials;
- (iv) Landscaping and replacement tree planting;
- (v) Drainage details;
- (vi) Parking provision;
- (vii) Provision and retention of visibility splays, to include the removal of the telegraph pole;
- (viii) Measures to accommodate electric vehicle charging facility;
- (ix) Completion and maintenance of the access, including use of a bound surface for the first 5 metres;
- (x) Biodiversity method statement;
- (xi) Bat-sensitive lighting;
- (xii) Biodiversity enhancements;
- (xiii) Movement of the telegraph pole.

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

101 APPEALS AND INFORMAL HEARINGS

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

102 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 8.21 pm.