

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 19 January 2023 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden  
M Bates  
E A Biggs  
T A Bond  
D G Cronk  
D A Hawkes  
P D Jull  
N S Kenton  
H M Williams

Officers: Team Leader (Development Management) - Strategic Sites  
Principal Planner  
Principal Planner  
Senior Planner  
Senior Planner  
Planning Officer  
Planning Consultant  
Principal Planning Solicitor  
Property/Planning Lawyer  
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/22/01439	Mr Andrew Swindley	Ms Zoe Dalton
DOV/22/00537	Mr Guy Burrows	Mr Peter Owens
DOV/22/01120	Mr Clive Tidmarsh	Ms Leanne Steed
DOV/22/01216	Mr Terry Norton	-----
DOV/22/01245	Mr Clive Tidmarsh	-----
DOV/22/00353	Mr David Harvey	Mr Mark Batchelor

103 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Beaney and C F Woodgate.

104 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors N S Kenton and H M Williams had been appointed as substitute members for Councillors D G Beaney and C F Woodgate respectively.

105 DECLARATIONS OF INTEREST

There were no declarations of interest.

106 MINUTES

The minutes of the meeting held on 15 December 2022 were approved as a correct record and signed by the Chairman.

107 APPLICATION NO DOV/22/01439 - 9 ORCHARD VIEW, ASH

The Committee was shown an aerial view, plans and photographs of the application site which was situated within the rural settlement of Ash. The Planning Consultant advised that retrospective planning permission was sought for the erection of a rear dormer extension to facilitate a loft conversion. The extension had been built the previous summer and was a box-like structure on the rear of the property with uPVC cladding. There had been an omission in the report which failed to mention Policy H6 of the emerging Local Plan, but he confirmed that the application complied with the policy.

Councillor P D Jull opined that the determinant factor in considering the application was that, apart from the colour of the cladding, the proposal could be built under permitted development rights anyway and there was already overlooking from neighbouring properties. He proposed that the application should be approved. In response to Councillor D G Cronk, the Planning Consultant clarified that the distance between the application property and the closest neighbour at no. 5 was 9.2 metres. In response to Councillor E A Biggs who mentioned obscure glazing, it was clarified that the plans showed one of the windows as being obscure glazed. Whilst it was a condition that could be imposed if Members wished, it was not one that could have been imposed had the extension not needed planning permission. Councillor N S Kenton raised concerns about imposing such a condition, arguing that if the application was going to be approved anyway, it was unreasonable to apply it now and, moreover, difficult to enforce. Councillor Jull agreed that the condition would be disproportionate.

RESOLVED: (a) That Application No DOV/22/01439 be APPROVED subject to the following conditions:

- (i) Approval of the submitted drawings;
- (ii) Approval of materials.

(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.

108 APPLICATION NO DOV/22/00749 - DEAL POLICE STATION, 43 LONDON ROAD, DEAL

Members viewed photographs of the application site which had formerly been the police station. The Principal Planner advised that, under a Kent County Council (KCC) scheme to bring redundant buildings back into use, planning permission was sought for the change of use and conversion of the police station building to create three terraced dwellings and the erection of a pair of semi-detached dwellings. As an update to the report, she advised that an additional condition requiring a sprinkler system was needed. In addition, the condition relating to electric vehicle charging points should be removed as this would avoid duplication with the Building Regulations which now covered such matters.

The Principal Planner advised that the proposal would see the conversion of the former police building into three dwellings and the erection of a pair of semi-detached dwellings at the rear of the site. This was a reduction from the original proposal for a terrace of three dwellings and would facilitate deeper gardens backing onto Beechwood Court. She confirmed that there would be two parking spaces per unit and that the proposal had been fully assessed by KCC Highways which had no objections. There would be no direct overlooking at the front or rear of the proposed dwellings which were of simple form and therefore not a detraction from the character of the area. She recommended that the application should be approved.

In response to Councillor Cronk, the Principal Planner advised that KCC Highways had raised no concerns about the level of vehicle movements that would be generated by the development. The site's previous use as a police station was relevant when considering this aspect of the proposal. With regards to refuse vehicles, she advised that there would be no need for refuse vehicles to use the side access as there would be a wheeled bin storage area at the front of the site that would be easily accessible to vehicles and staff. Councillor Cronk reiterated his concerns about lorries and delivery vehicles blocking the road at a busy junction with a fire station and garage nearby. For him there were safety issues and he questioned why a construction management plan had not been conditioned. The Principal Planner stressed that KCC would have assessed the proposal against the former use of the site as a police station which would have generated a similar number of vehicle movements. However, she acknowledged that a residential development could differ once domestic deliveries were taken into account. The Team Leader Development Management (TLDM) added that Officers were always guided by the statutory consultee's advice which in this case had not required a construction management plan. However, the submission of one could be conditioned if Members felt this was necessary.

Councillor Biggs agreed that a construction management plan was necessary given that the site was on a busy corner. He commented that the scheme was slightly disappointing and, in his view, could have been done better. In respect of the fence along London Road, the Principal Planner advised that permitted development rights would restrict this to a maximum height of one metre because it was adjacent to the highway. She pointed out that there were houses to the north of the site that also had frontages on the corner and were being serviced by refuse vehicles in the same way as the application site.

RESOLVED: (a) That Application No DOV/22/00749 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) List of approved plans;
- (iii) Material samples;
- (iv) Removal of permitted development rights for means of enclosure and extensions (including to roofs);
- (v) Fencing details for internal gardens and site frontage;
- (vi) Surface water drainage details (Deal);

- (vii) Parking spaces – provision and retention;
- (viii) Construction management plan;
- (ix) Bin and cycle storage;
- (x) Sprinkler system.

(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.

109 APPLICATION NO DOV/22/00537 - 2 CORNERWAYS, WATERCRESS LANE, WINGHAM WELL

The Committee was shown an aerial view and photographs of the application site which was outside settlement confines. The Principal Planner advised that planning permission was sought for a change of use of agricultural land for the siting of two glamping pitches for holiday lets, a converted horse box for use as a toilet, associated parking and cycle/bin storage. As a correction to the report, she confirmed that comments had been received from Wingham Parish Council raising issues such as odour nuisance, view of surrounding properties, excessive noise and increase in traffic and access issues. She confirmed that the report had addressed these matters. Members were advised that the site had been assessed by the Council's ecologist and was not deemed to have any ecological value. The existing access would be used, and foul waste would be disposed of via composting toilets and collection, the latter being compliant with Environment Agency requirements.

In response to Councillor Bates, the Principal Planner confirmed that the closest dwelling to the site was 135 metres away. Visitors would park in the existing parking area shown on the map. Councillor Jull queried the fact that there was no mention of the Public Right of Way (PROW) in the report, and whether glimpses of the site could be gained through the hedgerow from the PROW. The Principal Planner advised that the application plans showed only existing planting. She had walked along the PROW, and the ability to catch views of the site would depend upon the time of year but, in any case, she did not regard this as a negative impact.

In response to Councillor Biggs, she clarified that wastewater would be deposited into containers and managed by the applicants. From the application details, she understood that the huts and horse box were likely to be finished in dark green and the finish was likely to be the only detail that could be controlled by the Local Planning Authority (LPA). Councillor T A Bond pointed out that the site was a long distance outside the settlement confines and referred to the previous history of the site. He referred to Policies DM15 and DM16 and commented that, on balance, there were strong reasons for granting permission such as the benefit to the local economy. Nevertheless, he thought it was unlikely that visitors would use the facilities of Wingham and suggested that the proposed development was not justified.

The Committee was reminded that there had been two refusals and one withdrawn application for the site. The withdrawn application had been for a much larger area and for a different type of accommodation. Whilst a certificate of lawfulness had been refused for the erection of a rear extension, another for use as a residential

dwelling without compliance with an agricultural occupancy condition had been granted. Policies DM1, DM15 and DM16 of the existing Local Plan were considered to be out-of-date and the emerging Local Plan carried more weight. Moreover, paragraphs 83 and 84 of the National Planning Policy Framework (NPPF) supported development in the countryside for tourism purposes. Although the site was outside the settlement confines, the nature of the proposal required such a location.

RESOLVED: (a) That Application No DOV/22/00537 be APPROVED subject to the following conditions:

- (i) Time period;
- (ii) Plans;
- (iii) Drainage implementation;
- (iv) No more than 2 glamping units;
- (v) No permanent residential use;
- (vi) Written log of visitors.

(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.

110 APPLICATION NO DOV/22/00768 - 215 ST RICHARDS ROAD, DEAL

Members were shown a plan, drawings and photographs of the application site which was adjacent to the settlement boundary of Deal. The Senior Planner advised that planning permission was sought for the erection of one detached, two pairs of semi-detached and three terraced dwellings. As an update to the report, she clarified that the condition for electric vehicle charging points would be removed for reasons stated earlier in the meeting. She explained that the mesh fencing enclosing the electricity sub-station next to the site access had been installed in order to meet visibility requirements. KCC Highways had confirmed that this arrangement was satisfactory, subject to a Section 106 agreement being secured to ensure the fencing and visibility splays were retained.

Councillor H M Williams spoke against the proposal, stating that there had been several developments at Mill Hill without an increase in infrastructure such as school places, GP surgeries, etc. It was a cramped development, on a site that had not been allocated in the Local Plan, and there would be no developer contributions. Since the Council had reached its housing targets, she argued that the houses were not needed. In response to Councillor Kenton, the Senior Planner advised that the applicant was in negotiations with UK Power Networks (UKPN) in connection with the fence. She confirmed that, unless he was able to enter into an agreement with UKPN, the condition would not be discharged and planning permission could not be implemented.

Councillor Cronk queried the report's reference to a nearby development as it was his understanding that other developments should not be taken into account when assessing the traffic impact of a particular development. He also raised a question

about car ports and their potential conversion into garages. The TLDM confirmed that the application before the Committee should be considered on its own merits and the one referred to in the report had been included for context. Permitted development rights had been removed to prevent car ports being converted into garages without planning permission. Moreover, there was a condition requiring parking provision to be retained.

Councillor Jull questioned what had happened with regards to plans to move the urban boundary so that the school playing field was excluded. He noted the visual impact the proposed three-storey dwellings would have on the countryside, being situated on top of a ridge. In his opinion there would be harm caused by views of the development from the other side of the valley. He also queried why the access was being squeezed through a narrow road when it could more sensibly be routed through Alexander Drive. He was also concerned that the report made no reference to, nor addressed the issue of, the Manor Road/London Road and London Road/Mongeham Road junctions which KCC Highways had advised were at capacity and, as a consequence, that no further developments affecting those junctions should be permitted.

The TLDM advised that the new confines proposed under the emerging Local Plan excluded the playing fields south-west of the school. He agreed about the access but reminded Members that they could only consider what was before them and KCC had advised that the access was acceptable. In terms of visual impact, the development would be seen in the context of the GP surgery building which was also visible in views across the valley. Vehicle movements generated by eight properties were unlikely to have a significant impact on the road network. A refusal on the basis of a handful of additional vehicles entering these junctions at peak hours would not meet the test of the NPPF which was based on there being a severe impact.

Councillor Jull responded that, according to the emerging Local Plan, KCC Highways had advised there should be no more developments in Deal. He questioned therefore why a development outside the confines was recommended for approval. He did not accept that the development would not have a severe impact because the junctions were already congested and this scheme would exacerbate the problem still further. Councillor Kenton agreed that access and the road infrastructure around Deal were poor, and suggested that KCC should be challenged in future or there would be serious traffic issues around Deal. Since the principle of the development was accepted and, given that KCC Highways had raised no objections, he felt there was no option but to approve the application. Councillor Bond agreed with the report recommendation but suggested that condition 7 should be removed.

The Senior Planner agreed that condition 7 could be removed as visibility splays would be covered by the Section 106 agreement. In response to Councillor R S Walkden, she clarified that a sprinkler system could be conditioned. The acoustic fence would run the length of the driveway, details of which were to be submitted. The TLDM clarified that it was the same KCC department that provided comments on planning applications and the Local Plan, albeit they were covered by different Officers.

It was moved by Councillor N S Kenton and duly seconded that Application No DOV/22/00768 be approved as per the Officer's recommendation, subject to the removal of conditions 7 and 9.

On being put to the vote, there was an equality of votes.

The Chairman used his casting vote and the motion was CARRIED.

RESOLVED: (a) That, subject to the carrying out of the serving of notice on those interested parties related to the application site (for a period of no less than 21 days) and a Section 106 agreement, Application No DOV/22/00768 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) In accordance with approved plans;
- (iii) Material samples;
- (iv) Drainage details;
- (v) Parking provision and retention of parking spaces;
- (vi) Retention of cycle and bin storage;
- (vii) Soft and hard landscaping;
- (viii) Completion and maintenance of the access, including use of a bound surface for first 5 metres;
- (ix) Biodiversity enhancements;
- (x) Contamination;
- (xi) Archaeology;
- (xii) Tree protection measures;
- (xiii) Landscaping to be carried out in accordance with submitted plan;
- (xiv) Removal of permitted development rights for Class A and C;
- (xv) Obscure glazing within the flank elevation of Plots 1 and 8;
- (xvi) Acoustic fencing to be erected;
- (xvii) Development to accord with the submitted 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.

The meeting was adjourned at 7.37pm and reconvened at 7.42pm.

112 APPLICATION NO DOV/22/01120 - CHERRY GARDEN, CHERRY GARDEN LANE, ASH

Members viewed plans and photographs of the application site which was situated within the village confines of Ash. The Principal Planner advised that planning permission was sought for the erection of three detached and six semi-detached dwellings. A similar application for nine dwellings had been refused in 2022. The site was situated on the eastern side of Ash at the junction with Sandwich Road and formed part of a wider housing allocation for 95 homes in the Local Plan and Ash Neighbourhood Plan. Applications for the other sites were in progress, the applicants having submitted a masterplan which demonstrated a connectivity between the two sites and a comprehensive approach to the overall development, as required by policies. Whilst a masterplan for this site had been submitted subsequent to the application, it did not show a connectivity between this and the other sites (including a safe and convenient access to the play space), nor a comprehensive and collaborative approach to development on the wider site. A new access was proposed onto Cherry Garden Lane rather than onto Sandwich Road. The new access would involve the removal of a hedgerow and did not respect the character of the street scene on which it would have a detrimental impact. Moreover, it would be out of step with the prevailing pattern of development. Ecology was also a problem. She added that if the proposal had come forward as a separate development in its own right, there would still be concerns over access, layout, etc.

Councillor Biggs commented that the masterplan was key to assessing the application. The proposed scheme did not integrate into the wider development and there was no ecology report. The Neighbourhood Plan was an excellent document and the application's failure to comply with it led him to believe that the application should not be approved. He agreed that the proposal should be refused if it did not comply with the overall masterplan for the site. The Principal Planner confirmed that the masterplan had been submitted late and failed to demonstrate that the scheme integrated with the other two sites. She also confirmed that the middle site in the wider development could provide access for this site, and details to secure this would be conditioned accordingly. In response to Councillor Bates, she advised that the other two applications had been delayed due to the Stodmarsh issue. Revisions had been made to the 2020 application and it was nearing completion.

RESOLVED: (a) That Application No DOV/22/01120 be REFUSED on the following grounds:

- (i) In the absence of a development brief for the wider site, the applicant has failed to demonstrate that the application accords with an agreed comprehensive approach for housing allocation ANP7a/LA21. Further, the applicant has failed to demonstrate that the development of this site will not prejudice the implementation of the whole site allocation. As a result, the proposed development would fail to integrate with the wider village setting and would appear as an unplanned and visually discordant urban extension to the village contrary to policy ANP7a of the Ash Neighbourhood Plan and policy LA21 of the Land Allocations Local Plan.



- (ii) The creation of new vehicle access onto Cherry Garden Lane and the proposed layout, design and siting of the development would have a harmful visual impact on the rural character of Cherry Garden Lane and would be out of keeping with the prevailing pattern of development. Consequently, the development would fail to add to the overall quality of the area and establish a strong or positive sense of place and contrary to policy ANP7a of the Ash Neighbourhood Plan, policy LA21 of the Land Allocations Local Plan, policy PM1 of the draft Dover Local Plan and paragraph 130 of the National Planning Policy Framework.
  - (iii) The lack of pedestrian links from the site to the existing highway network constitutes a risk to pedestrian safety and represents an unsustainable form of development contrary to policies SP1, SP2 and T11 of the draft Dover Local Plan and paragraphs 104, 110, 111 and 112 of the National Planning Policy Framework.
  - (iv) In the absence of evidence to the contrary, the development has failed to demonstrate a full assessment of the implications of the development on the ecology and wildlife within and around the site and the ecological and nature conservation value of the surrounding European Protected Sites. In the absence of this information, the proposal would be harmful to matters of ecological importance and would be contrary to draft policies SP13, SP14 and NE3 and paragraphs 174, 180 and 181 of the National Planning Policy Framework.
- (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.

113 APPLICATION NO DOV/22/01216 - LAND SOUTH-WEST OF FIELDINGS, STONEHEAP ROAD, EAST STUDDAL

The Committee was shown an aerial view, drawings, plan and photographs of the application site. The Senior Planner advised that planning permission was sought for the erection of a two-storey dwelling with parking and landscaping on a site that was situated outside the settlement confines of East Studdal. As an update to the report, she advised that a representation had been received from one of the ward councillors, Councillor Stephen Manion, supporting the application and stating that the site was a sustainable one and suitable for development.

The Senior Planner advised that the application was a resubmission of an application refused in July 2022, albeit with some limited alterations having been made to the design of the dwelling. Prior to July, there had been four refusals of applications for development on the site, two of which had subsequently been dismissed at appeal. Of the four applications refused, two had been decisions of the Planning Committee. The most recent application had been refused because of the plot's location outside the confines; harm to the intrinsic character and beauty of the countryside; failing to achieve a sustainable pattern of development; creation of an urbanised and visually intrusive form of development which would cause substantial harm to the unspoilt rural character and appearance of the area, and the

adverse effect on reptiles. She emphasised that the refused applications and appeal decisions were material planning considerations and therefore relevant to the Committee's determination of the current application.

Members were advised that East Studdal was designated as a tier 2 settlement where development outside the confines was not permitted. The site was not a sustainable location, and the proposed development was contrary to Policy SP4 of the emerging Local Plan which dealt with residential windfall development. If anything, this emerging policy strengthened the reasons for refusal of the current application over those previously refused. Whilst the 'tilted balance' approach of paragraph 11 of the NPPF was engaged, the limited benefits did not outweigh the significant and demonstrable harm that would be caused by the visual impact and unsustainability of the proposal. It was recommended that the application should be refused.

Councillor Walkden commented that the site did not appear to be in open countryside according to the map. The site was only 19 metres from the village confines, and he was aware that other dwellings were being constructed nearby. For these reasons, he proposed that the application should be approved. Councillor Bates reported that he had visited the site and was surprised to find that it was scrub land. There were a number of houses surrounding the site, including an extensive linear development of houses opposite. He recognised that previous refusals for development on the land were a material consideration, and that sustainability was an issue. However, he was of the view that there would be no harmful visual impact arising from the development. Councillor Jull stated that he had been in favour of two previous applications for the site, and had sought to have the site allocated in the emerging Local Plan. He argued that the Plan had allocated additional development to East Studdal and this proposal was no less sustainable than they were. In his opinion the site was an infill site, and he did not consider that the proposal would have such an adverse impact on the countryside that it outweighed the benefits of the proposal. He suggested that the application should be approved on the basis that there would not be an adverse impact on the countryside and that the proposal was no less sustainable than other schemes being constructed in the village.

Councillor Biggs referred to the four previous refusals and the two appeals that had been dismissed. The dwelling that was currently proposed was bigger than previous designs and there had been no change in policies that now made this site acceptable for development. The Senior Planner confirmed that the dwelling was larger than those previously refused on the ground of their visual impact. She reinforced the fact that previous decisions relating to the site were material considerations. In addition, previous appeal decisions had specifically stated that it was not an infill site. She stressed that the site was adjacent to undeveloped land, and that Policy SP4 was based on updated housing numbers; the application's non-compliance with that policy strengthened the reasons for refusing it.

Councillor Bond commented that, whilst he would normally be opposed to development in the countryside, the fact that permission had already been granted for dwellings that were further away from the confines, and the presence of a number of sizeable houses opposite the site, persuaded him that the application should be approved. He was of the view that refusing the application on the ground of harm to the countryside was a weak argument. If the Committee's focus should then be on the scale, form and design of the dwelling, the presence of large dwellings opposite the site suggested that these were not sound reasons for refusal either. With the right conditions, he felt the proposal would be acceptable.

Councillor Kenton stated that he had looked at the previous applications and supported the refusal of the last one as he agreed that the design had been unattractive and inappropriate for the site. However, this design was much more appealing, almost identical to a house nearby and would not be out of character with the area. He welcomed the applicant's proposals to construct a sustainable/energy efficient home. He also noted that the parish council was in favour of development on the site. He remarked that a number of other developments had been permitted at East Studdal which indicated that the village had been deemed a suitable and sustainable place for additional development. Given that Policy DM1 of the Local Plan was considered out-of-date and the new policies of the emerging Plan were not yet fully engaged, he argued that the Committee was in limbo in policy terms when it came to determining the application. In his opinion the area was not overly rural in character and he considered that the impact on the countryside would not be sufficient to warrant refusing the application.

The Principal Planning Solicitor advised that it was for the Committee as the decision-maker to exercise its own judgement when determining planning applications. However, that judgement was not to be exercised in a vacuum and the law required decisions to be made in accordance with the Development Plan unless material considerations indicated otherwise. He also explained that the fact that the Council considered its policy DM1 to be out-of-date did not change the policy's status as being part of the Development Plan and, therefore, the starting point for decision-making. He reminded Members that the report set out the relevant policies and that the proposal was contrary to those policies in terms of its location and impact on the character of the countryside. He stressed that the Committee was required to have regard to the policies of the existing Local Plan and the emerging Local Plan, and that the location of the site was contrary to the policies on the location of development in both. Furthermore, he pointed out that it was unusual to have so many recent refusals in relation to a site, those refusals being, by virtue of their similarity to the current proposal, material to the Committee's determination of the application. He advised that consistency of decision-making was a public law principle which applied to the decisions of a planning committee. If Members were minded to approve the application, it was incumbent upon them to identify the difference between this one and previous applications, and to explain their reasons for coming to that conclusion. If they were unable to support their decision with adequate reasons, it would be weak, not well founded and susceptible to challenge. In this regard, he advised that the reasons for approval cited by Councillor Jull did not engage effectively with the previous reasons for refusal and it was those previous reasons for refusal that Members needed to focus on so that it was clear what distinguished this application from the others.

Councillor Jull suggested that the application should be approved because the current one and a half storey design was more in keeping with the street scene. The site at Strakers Hill had not been refused on the grounds of sustainability which indicated an inconsistency in decision-making regarding the sustainability of East Studdal as a settlement. The impact on the countryside was a subjective matter and, in his view, the harm would not be sufficient to warrant refusal. He added that he disagreed with previous decisions to refuse planning applications for this site.

The Principal Planning Solicitor reminded Members that, whether they personally agreed with them or not, the previous decisions relating to applications for this site were decisions of the Council which had demonstrated a consistency in decision-making and carried significant weight as the development now proposed was so

similar to those that had previously been refused. He advised that the greater the similarities between this and previous applications, the more weight Members should attribute to the previous decisions and the reasons for them. Whilst Members might now consider the proposed design acceptable, this did not address the unsustainability of the location. The site was not regarded as a sustainable location and, whilst Policy SP4 of the emerging Local Plan allowed windfall development, the application did not comply with that policy either.

Councillor Bond reiterated his concerns regarding the approval of a development near the application site, and stated that he did not feel that the Committee should be bound by decisions made by other people. In his view the reasons given for refusing the application were not sound when the site was clearly not in open countryside. Councillor Bates underlined the fact that the Committee was considering the application in its own right. He noted that there had been changes to the design since the previous application was refused, and Members were rightly weighing up the harm to the countryside and whether the site could be regarded as an infill development. In his view, the proposal would enhance the appearance of the area, and there were a considerable number of reasons why the application should be approved.

The TLDM commented that whether previous decisions had been made by Officers or the Planning Committee was irrelevant; applications for this site had twice been refused by the Planning Committee. Although the Committee was not bound by the outcomes of previous applications, he urged Members to consider carefully why this application was different to the previous applications and to reflect on the policies that applied. In respect of sustainability, he advised that he had not heard anything from the Committee that would logically lead it to a different conclusion to that reached by the Planning Inspector in relation to the dismissed appeals. Turning to the emerging Local Plan, he encouraged Members to think about SP4, in respect of which there were no unresolved issues and which therefore carried moderate weight when determining the application.

Councillor Jull referred to the agent's claim that the development would reduce the applicant's journey to work mileage considerably. The TLDM advised that, whilst this factor had the potential to carry weight, there was no way of securing or controlling it. Councillor Walkden suggested that the application should be approved because there would be no harm to the intrinsic beauty and character of the countryside given that there was already a pattern of development opposite the site. He argued that the proposal would not be intrusive nor harm the character of an unspoilt rural area.

(The Committee agreed that there should be an adjournment for Officer discussions. The meeting was adjourned at 8.56pm and reconvened at 9.07pm.)

Once the meeting had resumed, the TLDM reported that Officers had contemplated the debate and comments made by Members. It was evident that some Members considered that there would be no harm arising from the proposed development to the character and appearance of the area, whilst some Members considered there to be a benefit. Moreover, weighing the application against the 'tilted balance' approach of paragraph 11 of the NPPF, they appeared to be of the view that any adverse impacts of the development would be significantly and demonstrably outweighed by the benefits which included the dwelling's sustainable construction. He summarised the conditions that would be required and suggested that the final wording of these and any other matters be delegated to the Head of Planning and Development and/or Officers.

It was moved by Councillor R S Walkden and duly seconded that Application No DOV/22/01216 be APPROVED.

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

RESOLVED: (a) That, notwithstanding the Officer's recommendation, and subject to a Section 106 agreement for the translocation of reptiles, Application No DOV/22/01216 be APPROVED on the grounds that, notwithstanding the site's location outside the settlement confines and, having regard to the planning history of the site, Members considered that the scale and design of the dwelling would positively enhance the character of the countryside, whilst the development would secure energy and water-saving features. Overall, the disbenefits of the development would not significantly and demonstrably outweigh the benefits of the development and, in accordance with paragraph 11 of the National Planning Policy Framework, permission should be granted.

(b) That approval be subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials;
- (iv) Drainage details;
- (v) Details of energy efficiency measures/technical details (e.g. rainwater recycling);
- (vi) Details of landscaping;
- (vii) Car parking (permeable driveway);
- (viii) Removal of permitted development rights;
- (ix) Provision and retention of visibility splays;
- (x) Archaeology;
- (xi) Ecology.

(c) That powers be delegated to the Head of Planning and Development to finalise, and settle the wording of, conditions and to settle any matters outlined in the report.

114 APPLICATION NO DOV/22/01245 - LAND ADJACENT TO HOURS, CHURCH ROAD, COLDRED

Members viewed an aerial view, drawings, a plan and photographs of the application site which contained a section of an old railway cutting associated with the former collieries of the east Kent coalfield which joined up with the East Kent Light Railway. The Principal Planner advised that there had been two recent

applications in respect of the site; one which had not been determined but dismissed at appeal and another last year that had been refused. The current application related to the front section of the cutting and, like the others, proposed to fill in the north-western section of the cutting. Unlike the others, it was also proposed to partially backfill sections of the cutting around the trees and to erect bridge piers with railings adjacent to the road. The cutting was a non-designated heritage asset, and the proposed works would cause material harm to what little remained of the east Kent coalfield and the industrial heritage of the district. Whilst more information had been provided with this application, it had still failed to demonstrate that the proposed infilling of the cutting was necessary, a point noted by the Planning Inspector in relation to the dismissed application. The Council's Principal Heritage Officer objected to the proposal, as did KCC Archaeology. The application was therefore recommended for refusal.

Councillor Walkden expressed reservations about preserving a feature that had been dismantled in 1935 and queried whether the East Kent Light Railway had been consulted about the proposal. Councillor Jull stated that there was no real evidence from the photographs shown to the Committee that the cutting had slumped. It appeared illogical that the applicant was proposing to plant new trees when one of the reasons given for the proposed works was to prevent the existing trees slumping further. Councillor Bates agreed, arguing that the cutting should be protected as it was an interesting part of the district's history.

RESOLVED: (a) That Application No DOV/22/01245 be REFUSED on the grounds that the proposed infilling of the historic railway cutting in the form proposed would result in unjustified harm to a Non-Designated Heritage Asset and its setting through the substantial loss, and corresponding loss of legibility, of a rare remaining section of cutting of the East Kent Railway and the local industrial heritage without overriding justification. The proposal would therefore fail to comply with Policies DM15 and DM16 of the Core Strategy, Draft Policies NE1, HE1 and HE3 of the draft Dover District Local Plan and paragraphs 174 and 203 of the National Planning Policy Framework.

(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.

115 APPLICATION NO DOV/22/00353 - RIPPLE COURT, WINGLETON LANE, RIPPLE

The Committee was shown plans and photographs of the application site which was the grounds of a Grade II\*-listed property located to the south of Ripple and west of Ringwould and Deal. The Senior Planner advised that planning permission was sought for a change of use of land for hosting weddings with a temporary marquee and associated parking. As a correction to the report, she advised that Ripple Parish Council had raised objections which were addressed in the report. She also advised that a condition should be added prohibiting the use of pyrotechnics, and the one relating to electric vehicle charging points removed.

Members were advised that the proposal comprised the stationing of a temporary marquee for six months of the year in the southern part of the site, along with a small catering unit and parking. There would be a limit of 30 events per year and a maximum number of 120 guests would be allowed. No amplified music would be permitted after 10.30pm, with a venue closure time of 11.30pm. The marquee would be acoustically lined and music would be further controlled by being played

within an acoustic enclosure for dancing. The nearest residential property was 55 metres away, and KCC Highways had raised no objections. The proposal constituted a new rural business, the principle of which was supported by the NPPF. Whilst there would be less than substantial harm to a listed building, this was outweighed by the wider public benefits.

In response to Councillor Cronk, the TLDM advised that the parking area would not be marked out as this would introduce a permanent visual element for what was only a temporary use. There was a need to balance the temporary use of the site as a wedding venue against the heritage value of the site, and Officers would not want to see, for example, an area of hardstanding. Leaving the area unmarked would also allow the space to be used flexibly. Notwithstanding these points, he advised that the travel plan could require details of disabled parking and how disabled people would be accommodated within the site. Arrangements regarding disabled toilets could be covered by condition. In response to Councillor Jull who raised concerns about noise, he clarified that a sound system would limit the noise impact, as would the acoustic lining of the marquee and enclosure around the dancefloor. The Council's Environmental Health team had confirmed that it was content with the proposed arrangements.

Councillor Bates welcomed the restriction on pyrotechnics but raised concerns around parking arrangements and asked if there was a contingency plan for managing an excess of cars. Councillors Kenton and Bond raised concerns about noise generated by guests standing outside the marquee, catering unit or toilets. The TLDM advised that the travel plan would require details to be submitted of sustainable transport arrangements, including group travel. The access was quite wide so, whilst not ideal, any overflow of cars could probably be accommodated there. In terms of noise, normal background noise levels were approximately 31 decibels and this proposal, with the measures outlined, would ensure that the noise stayed at least 9 decibels below that. No music would be permitted outside the marquee. The noise information submitted so far had included, amongst other things, details of smoking areas, orderly dispersal and contacts for members of the public. Full details would be required as part of the event noise management plan. The impact of guests' vehicles would be addressed in the travel plan in order to ensure that the number of cars travelling to the rural area was minimised and that there was appropriate and adequate parking on site. It was agreed that the use of Chinese lanterns should be prohibited.

(The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, it was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That, in accordance with Council Procedure Rule 9, the Committee proceeds with the business remaining on the agenda.)

RESOLVED: (a) That Application No DOV/22/00353 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Restrict use to wedding venue;

- (iv) No more than 30 wedding events per year and maximum of 120 people;
- (v) Removal of marquee October to April;
- (vi) Event Noise Management Plan;
- (vii) No amplified music outside the designated marquee dancefloor enclosure;
- (viii) No amplified music after 10.30pm/venue finish time 11.30pm;
- (ix) Provision of visibility splays;
- (x) Submission of travel plan;
- (xi) Retention of parking for wedding venue when operational;
- (xii) External lighting details;
- (xiii) Use of pyrotechnics and Chinese lanterns prohibited.

(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.

116 APPLICATION NO DOV/22/01282 - 28 CHURCH LANE, DEAL

Members were shown an aerial view, plan and photographs of the application site which was situated within the settlement confines of Deal. The Planning Officer advised that retrospective planning permission was sought for a change of use of a summerhouse to a hairdresser's/beauty salon. She advised that the applicant had started the business during lockdown without permission and the Council's Environment Health team had investigated following a complaint. There was adequate parking in the area and the application was recommended for approval.

RESOLVED: (a) That Application No DOV/22/01282 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Hours of operation during the hours of 09.00-16.00 Monday to Saturday and no operation on Sundays;
- (iv) No more than two visiting members of the public at any one time.

(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.

117 APPLICATION NO DOV/22/00962 - BEACHCOMBERS, CLIFFE ROAD, KINGSDOWN

The Committee viewed an aerial view, a drawing, plans and photographs of the application site which was a house in a large plot situated within the settlement confines of Kingsdown and adjacent to the Kingsdown Conservation Area. The Planning Officer advised that planning permission was sought for the erection of single storey side and rear extensions, a front porch and two rear dormer windows, a front first-floor balcony with railings and a double garage, amongst other things. The rear elevation would tidy up what currently existed and there would be planting at the front. The main issue relating to the application was the wall at the front which was proposed to be 2.1 metres high.

The TLDM advised that the house was currently uninhabitable, and the proposed conditions had been worded accordingly. However, the conditions could be worded so as to require them to commence within three months of planning permission being granted. Councillor Bates reported that local residents had expressed concerns about the proposal, and specifically the wall which was considered too high and not in harmony with the street scene. Councillor Williams agreed, stating that the house was not far from the conservation area and the high wall would make it look like a gated community which was out of keeping with the character of the area. Whilst the works to the house would be an improvement, the proposed wall was too high and should be reduced to one metre. Councillor Kenton acknowledged the unpopularity of the wall and sought advice on whether the application could be refused on this basis alone. The TLDM advised that Members could either approve the application as presented, refuse it because it was unacceptable or defer it to facilitate discussions with the applicant about the height of the wall. Officers considered the wall to be acceptable because it was in keeping with the property which was large and visually distinct from its neighbours. He pointed out that there was a property nearby with a two-metre-high fence. He was of the view that the application was not worthy of refusal, but it was for the Committee to make a judgement on this matter. Councillor J S Back commented that it was an imposing house and a low wall would look out of place.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/22/00962 be DEFERRED in order to enable Officers to negotiate with the applicant in relation to the height of the wall, and a report be brought back to the Planning Committee.

118 APPEALS AND INFORMAL HEARINGS

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

119 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 10.24 pm.