

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 12 October 2023 at 6.00 pm.

Present:

Chairman: Councillor M J Nee

Councillors: D G Cronk
J S Back
M Bates
N S Kenton
R M Knight
J P Loffman
S M S Mamjan
H M Williams
C F Woodgate

Officers: Team Leader (Development Management) - South Team
Principal Planner
Principal Planner
Senior Planner
Planning Officer
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/22/01643	Mr Alistair McPherson	Ms Christine Peel
DOV/23/00892	Councillor Trevor Bartlett	-----
DOV/23/00553	-----	Ms Sal Higgins Councillor Chris Vinson
DOV/22/01577	Mr Ross Elliston	Mrs Basma Gale Councillor Trevor Bartlett
DOV/19/01025	-----	Mr Michael Parkinson

54 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Beaney and E A Biggs.

55 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors M Bates and C F Woodgate had been appointed as substitute members for Councillors D G Beaney and E A Biggs respectively.

56 DECLARATIONS OF INTEREST

There were no declarations of interest.

57 MINUTES

The minutes of the meeting held on 14 September 2023 were approved as a correct record and signed by the Chairman.

58 APPLICATION NO DOV/22/01643 - LAND ADJACENT TO 22 THE STREET, WEST HOUGHAM

The Committee was shown an aerial view and photographs of the application site. The Principal Planner advised that planning permission was sought for the erection of a dwelling with car parking. As updates to the report, she advised that the Council's Environmental Protection team had visited the site and confirmed the presence of Japanese knotweed. An additional condition requiring its removal and control was therefore recommended. The neighbouring property, The Malthouse, had windows on the ground floor flank elevation serving rooms to a converted garage. Whilst not included in the report in error, the impact on the residential amenity of this dwelling was considered acceptable, in line with the previous planning permission granted in 2020.

In response to the Chairman, the Principal Planner explained that this site was to the south-west of no. 22, whilst a site to the north-east of no. 22 had been granted planning permission for two new houses. Councillor M Bates raised concerns regarding the proposed dwelling's accessibility for the fire and rescue service and suggested the addition of a condition for sprinklers. He referred to Policy SP4 of the draft Local Plan which required that proposals should conserve and enhance the landscape where they were situated next to or surrounding an Area of Outstanding Natural Beauty (AONB). He queried whether Officers had taken into account all the sub-paragraphs of Policy SP4, particularly (a) which dealt with cumulative impact. He argued that the existing house, along with the proposed dwelling and two others to the north-east that had already been granted planning permission, would have a cumulative and significant impact on the AONB. He pointed out that there had been a significant change in circumstances since the garage conversion had been permitted in 2020. In his view, the proposal would neither conserve nor enhance the AONB and he could not support it.

The Principal Planner reminded Members that there was extant planning permission on the site for the conversion of the garage which was a material consideration in determining the application and carried significant weight. She confirmed that the application fulfilled all the criteria of SP4. Whilst the site was within the AONB, there was already a strong line of development fronting the AONB. The proposal was for one dwelling only which would be in keeping with the character of the village. With suitable landscaping conditions, she suggested that the scheme could, in fact, enhance the AONB.

In response to Councillor H M Williams, the Team Leader Development Management (TLDM) reassured Members that when details of landscaping were submitted, Officers would ensure that a suitable scheme for boundary treatment and landscaping was proposed. Councillor J S Back stated that the application site was within the confines and the principle of the development had already been established.

RESOLVED: (a) That Application No DOV/22/01643 be APPROVED subject to the following conditions:

- (i) Time limit;

- (ii) Plans;
- (iii) Materials;
- (iv) Submission of details of enclosure/landscaping;
- (v) Provision of parking;
- (vi) Provision of cycle storage;
- (vii) Provision of refuse/recycling store;
- (viii) Removal of permitted development rights for additions to roof;
- (ix) Details of angled windows with screened glazing to first-floor front elevation;
- (x) Mitigation plan for Japanese knotweed.

(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.

59 APPLICATION NO DOV/23/00892 - THE COACH HOUSE, HIGH STREET, WINGHAM

Members were shown an aerial view, a plan and photographs of the application site. The Planning Officer advised that planning permission was sought for the erection of a dwelling with an attached garage. As updates to the report, she advised that condition 4 which required details of surface water drainage to be submitted was no longer considered necessary. Representations had also been received in respect of the garden at 53 High Street.

RESOLVED: (a) That Application No DOV/23/00892 be APPROVED subject to the following conditions:

- (i) Three-year time limit;
- (ii) Approved plans;
- (iii) Joinery details;
- (iv) Construction Management Plan;
- (v) Provision and retention of car parking and garages;
- (vi) Provision and retention of cycle storage and refuse/recycling store/collection;
- (vii) Gates to open away from highway and set back by 5 metres from edge;

- (viii) Bound surface for first 5 metres;
- (ix) Archaeological works;
- (x) Existing boundary landscaping retained.

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

60

APPLICATION NO DOV/23/00553 - 17 CHURCH STREET, WALMER

The Committee viewed an aerial view, a plan and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a detached dwelling and associated parking. As an update to the report, she advised that it was necessary to add three conditions, namely samples of materials, removal of permitted development rights and provision and retention of parking on site prior to first occupation.

Following a query from the Chairman, the TLDM clarified that a construction management plan (CMP) had been attached to the previous planning permission. However, although she acknowledged that the road network around the site was rather restricted, it was not considered appropriate to add a CMP to a small-scale development like this. CMPs were designed to address large volumes of construction traffic and were essentially a Kent County Council (KCC) Highways matter. A CMP for this site would be difficult to enforce and was not recommended. If Members were so minded, a foul drainage condition could be attached, but this was not strictly a planning consideration and could be considered disproportionate. That said, she recognised that there were drainage issues that Southern Water needed to address.

Councillor J P Loffman spoke in favour of a foul drainage condition which, although apparently disproportionate, would be helpful for local residents. Councillor Bates supported the addition of conditions for foul drainage and construction management traffic, arguing that the latter would give guidance to builders. Councillor D G Cronk proposed that the application should be approved, subject to the addition of the three conditions outlined earlier by the Planning Officer, together with conditions for foul drainage, landscaping and a CMP. The Planning Officer confirmed that a condition for a landscaping scheme could be added if Members wished.

Councillor N S Kenton referred to the principle of development on the site having been established. In his view the imposition of a CMP would be unenforceable and, therefore, unreasonable. As some Members were probably aware, subcontractors were not obliged to adhere to CMPs so imposing one on a single dwelling development was likely to prove futile. The Chairman remarked that if construction traffic started causing a nuisance, residents could complain to the Council as the Local Planning Authority.

It was moved by Councillor D G Cronk and duly seconded that Application No DOV/23/00553 be APPROVED as per the report recommendation, with the following conditions added: (a) Samples of materials; (b) Removal of permitted development rights; (c) Provision and retention of on-site parking; (d) Foul drainage details and (e) Construction Management Plan.

On being put to the vote, the motion FAILED.

It was moved by Councillor J S Back and duly seconded that Application No DOV/23/00553 be APPROVED as per the report recommendation, with the additional conditions outlined earlier save for the construction management plan.

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

RESOLVED: (a) That, subject to the completion of a Unilateral Undertaking for the Strategic Access Mitigation and Monitoring Strategy, Application No DOV/23/00553 be APPROVED subject to the following conditions:

- (i) Three-year time limit;
- (ii) Approved plans;
- (iii) Materials samples;
- (iv) Details of joinery;
- (v) Cycle and bin storage;
- (vi) Retention of hedgerow;
- (vii) Protection of yew tree;
- (viii) Landscaping details;
- (ix) Provision and retention of parking on site;
- (x) Foul drainage details;
- (xi) Removal of permitted development rights.

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

61 APPLICATION NO DOV/22/01577 - HORSESHOE BUNGALOW, MILL LANE, PRESTON

Members viewed a plan and photographs of the application site. The Principal Planner advised that planning permission was sought for the erection of a detached two-storey dwelling, two detached garages and a rear extension to an existing dwelling, with an existing garage to be demolished. As updates to the report, she clarified that there was no requirement for the unilateral undertaking referred to in the report. An updated plan had been received which showed that the access gates onto the main road were to be removed. Finally, a representation had been received regarding land ownership.

Councillor Back stated that the development was within the settlement confines, and he could see no planning reasons to refuse it. In response to Councillor Bates, the Principal Planner advised that the nearest point of the proposed development to the

boundary with Pickle Cottage on the western side of the plot would be approximately 9 metres. Moreover, the new dwelling would be set back and not directly in line with Pickle Cottage. Councillor C F Woodgate referred to a number of reasons put forward by objectors for refusing the application and queried whether these were valid. He was personally opposed to back garden developments but recognised that this reason alone did not justify refusal.

Councillor Loffman and the Chairman stated that the road was a busy one with a significant amount of traffic. Councillor Kenton commented that one dwelling would not have an impact on the highway network nor an adverse impact on the conservation area.

RESOLVED: (a) That Application No DOV/22/01577 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) External materials;
- (iv) Joinery details;
- (v) Boundary treatment;
- (vi) Bound surface 5 metres;
- (vii) Southern Water sewer pipe details;
- (viii) Landscaping details and tree plan;
- (ix) Works to trees and recommendations of report;
- (x) Ecological mitigation and biodiversity scheme;
- (xi) Permitted development rights removed (new buildings and roof);
- (xii) Parking retained;
- (xiii) Removal of gate entrance;
- (xiv) Provision of cycle and refuse storage and refuse collection point.

(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.

62 APPLICATION NO DOV/19/01025 - LAND ADJACENT TO 74 STANHOPE ROAD, DOVER

The Committee was shown plans and photographs of the application site. The Senior Planner advised that planning permission was sought for the erection of 32

dwelling, the formation of new vehicle and pedestrian accesses and parking. As an update to the report, she advised that 22 additional letters of objection had been received, reiterating concerns that had been addressed in the original and current committee reports. Two new issues had been raised, namely the removal of affordable housing and insufficient public amenity, which were addressed in the addendum.

The Senior Planner advised that the application had previously been to the Planning Committee in September 2020 when it had been approved, subject to the completion of a legal agreement and the imposition of various conditions. Subsequently, a number of third-party representations had been received raising concerns about the potential of the site to provide habitat for protected species and providing evidence which had not previously been available. Officers had concluded that this new information required further assessment. In this regard, the presence of slow-worms and common lizards on the site had been confirmed, and it was proposed that the creatures would be translocated to a reptile receptor site, secured by a Section 106 agreement. In addition, when assessed against the new policies of the draft Local Plan, the provision of affordable housing had gone as a result of there no longer being a requirement to provide affordable housing in developments in the Dover Urban Area due to difficulties with site viability.

Councillor Back referred to the removal of affordable housing which was no longer viable in Dover. He commented that Stanhope Road residents had been offered five parking spaces within the site and noted that the reptiles would be translocated elsewhere. He proposed that the application should be approved. In response to Councillor Williams, the Senior Planner advised that a noise impact assessment had been carried out and a condition was included to secure the recommended mitigation measures. The Chairman commented that the loss of affordable housing was regrettable but linked to policies in the new Local Plan which now carried significant weight.

RESOLVED: (a) That Application No DOV/19/01025 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Construction Environmental Management Plan;
- (iv) Specialist UXO risk assessment;
- (v) Construction Management Plan;
- (vi) Completion of the highway alterations in Stanhope Road shown on plan number 13859/H-01 Rev. P2 prior to commencing (TRO);
- (vii) Contamination safeguarding;
- (viii) Measures to prevent discharge of water onto highway;
- (ix) Bound surface treatment for first 5 metres;
- (x) Retention of car parking;

- (xi) Cycle parking;
- (xii) Completion of access;
- (xiii) Completion of internal access roads and footways;
- (xiv) Provision and retention of visibility splays;
- (xv) Surface water drainage with no infiltration other than approved;
- (xvi) Details of foul water drainage infrastructure and verification;
- (xvii) Details of external lighting;
- (xviii) Details of amenity greenspace and LAP provided and maintained;
- (xix) Provision of refuse and recycling;
- (xx) Scheme for secured by design;
- (xxi) Samples of materials, bricks, roof tiles, metal and timber cladding;
- (xxii) Sectional eaves details;
- (xxiii) Hard and soft landscaping which shall include planting/details of fences;
- (xxiv) Windows to be set in reveals;
- (xxv) Removal of permitted development rights for porches/roof extensions;
- (xxvi) Ecological mitigation and enhancements;
- (xxvii) Broadband provision;
- (xxviii) Noise impact mitigation measures.

(b) That powers be delegated to the Head of Planning and Development to determine if any additional representations received raise new and/or substantive material planning considerations that require the case to be reported back to Planning Committee for further consideration, and to settle any necessary planning conditions, obligations and reasons in line with the issues set out in the recommendation and as resolved by the Planning Committee.

63 APPEALS AND INFORMAL HEARINGS

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

64 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 7.25 pm.